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NATIONAL NARCOTICS ACT OF 1983

R E P O R T

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ON

S. 1787



OCTOBER 25 (legislative day, OCTOBER 24, 1983).—Ordered to be printed

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NATIONAL NARCOTICS ACT OF 1983

OCTOBER 25 (legislative day, OCTOBER 24), 1983.—Ordered to be printed

Mr. BIDEN, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1787]

The Committee on the Judiciary to which was referred the bill S. 1787 to establish an Office of the Director of National and International Drug Operations and Policy, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. PURPOSE OF THE BILL

The National Narcotics Act of 1983 would establish a cabinet-level office to be called the Office of National and International Drug Operation and Policy. The Director and Deputy Director would be appointed by the President by and with the advice and consent of the Senate. The Director would have authority to:

(a) develop, review, implement, and enforce United States Government policy with respect to illegal drugs;

(b) direct and coordinate all United States Government efforts to halt the flow into, and sale and use of illegal drugs within, the United States;

(c) develop in concert with other Federal entities concerned with drug control the budgetary priorities and allocations of those entities with respect to illegal drugs; and

(d) coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs.

The ranking minority member Senator Biden has stated, "the 97th Congress concluded that Federal coordination and leadership of drug control is such a complex and diverse job that it requires

the attention and responsibility of one person. Cabinet-level status for this individual is necessary so that it is clear that this individual reports directly to the President and has sufficient clout to impose a truce on interagency feuding, to insure maximum participation of all agencies and to allocate budgetary resources in an efficient and effective manner."

These comments were echoed by Senators DeConcini, Hatch, and Specter during mark-up of this bill in the Committee.

Senator DeConcini stated "...anyone that looks at this problem will see that coordination is anything but good..."

Senator Hatch said he hoped that the Administration would not veto this bill because * * * it is a good idea and it is time we got on with the war on narcotics * * *.

Senator Specter discussed with the Committee members his efforts to persuade the President to support this bill last Congress and indicated that, "the cause is not lost and I think we ought to persevere".

Additional support for this bill comes from the Senate Drug Enforcement Caucus co-chaired by Senators Hawkins and DeConcini which includes 46 Senators (34 Republicans and 12 Democrats). In a letter to the President dated December 29, 1982 encouraging him to sign into law an eight part crime bill, the Caucus endorsed the provision that would " * * * establish a drug enforcement coordinator."

Additional support for this concept comes from the General Accounting Office in their report dated June 13, 1983 entitled, "Federal Drug Interdiction Efforts Need Strong Central Oversight."

In this report GAO criticized the fragmentation of the Federal drug interdiction effort which is split among three separate agencies in three executive departments, each having different program goals and priorities.

GAO recommended to the President:

That he direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities.

That he make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs.

Support for this bill comes from State and local law enforcement and prosecution agencies. At a Senate Judiciary hearing on July 18, 1983, in New York City, on organized crime in New York, Sterling Johnson, Chief Narcotics Prosecutor for New York City discussed this issue with Senator Biden:

Senator BIDEN. Mr. Johnson, it will come as no surprise to you if I raise my concern about greater coordination with the Federal level.

Let me ask you a question, if I may, along those lines. As you are aware, I have been calling for a cabinet level official to oversee coordinating the Federal drug effort and I have been having some problems with many of the Federal agencies who oppose this concept.

As a recognized authority on the narcotics issue, a former law enforcement officer and prosecutor who

worked for the City, State and Federal agencies, I would appreciate your comments on this concept I know you are familiar with.

What is your view of the need for this kind of coordinator?

Mr. JOHNSON. I am familiar with it and I think there is a crying need for a person who can coordinate the enforcement, not only the enforcement, but the drug effort itself on a national level.

You look at the Defense Department.

You have four major services in the Defense Department and each of these major agencies are charged with the responsibility in its own way of protecting this government against a foreign invader, but if there is a problem between either one of the sections, eventually it is resolved or handled by the Secretary of Defense.

These four major components of Defense have a spokesman in the Secretary of Defense and he reports directly to the President of the United States.

I think we should have something similar to this in the drug area.

I think it should be not only for the enforcement, but for treatment, prevention, education.

We should have someone who has the President's ear.

Whether it is a czar, a coordinator—no matter who he be, you should have someone that the President can rely on, and can speak to the President and say, we have a very, very serious problem of coordination of the Federal level or you have a very, very serious problem or situation where we are giving X amount of dollars to the Federal people, but not enough to the local people.

I am not suggesting that person, coordinator or czar, should interfere with the day-to-day operations of the agencies involved in drugs, just like the Secretary of Defense does not interfere with the local operations of the Navy or Army. * * *

Therefore, the Committee believes that until one individual is in a position to oversee the development of an anti-drug plan and then oversee the implementation of the plan the Federal drug effort will continue to be hindered by duplication, competition, and inefficiency.

II. BACKGROUND

The Federal Government has been engaged in efforts to restrict the use of dangerous drugs for almost 100 years. Starting in 1887, with enactment of a law forbidding Chinese nationals to import opium into this country, a long line of statutes has established a major Federal role in the regulation of drug commerce and in the enforcement of restrictions designed to prevent the abuse of drugs.

Inevitably, the responsibility for enforcing drug control laws, and for carrying out other functions designed to curb drug abuse, has been divided. Since many of the most frequently abused drugs illegally enter the United States from abroad, the agencies which

police the national borders—the Customs Service, the Coast Guard, and the Border Patrol—have an important part to play. Regulation of the domestic drug industry is the province of both the Drug Enforcement Administration (DEA) and the Food and Drug Administration, while, in addition, the DEA has authority for the investigation of domestic violations involving dangerous drugs and for liaison with the drug law enforcement officials of foreign governments.

Other agencies with drug control responsibilities include: the Federal Bureau of Investigation; the Bureau of International Narcotics Matters in the State Department; the Federal Aviation Agency; the Internal Revenue Service; the Office of Justice Assistance, Research and Statistics (OJARS); the Agency for International Development; and the Department of Agriculture. Additionally, there is the necessary participation of the Criminal Division of the Justice Department and of the United States Attorneys.

In the past 15 years, the level of Federal commitment to the control of drug abuse has increased sharply. Spending for all activities related to this purpose rose from \$74 million in fiscal year 1969 to approximately \$1.3 billion in fiscal year 1983. During the same period, drug abuse "law enforcement" spending went from \$37 million to \$1.06 billion. Estimated fiscal year 1983 funding for law enforcement, or "drug supply control," is indicated by agency in the following table:

Drug law enforcement funding: Estimated outlays, fiscal year 1983

[In millions of dollars]

Agency:	Outlays
Justice:	
Bureau of Prisons.....	92.8
Office of Justice Assistance, Research and Statistics.....	3.1
Drug Enforcement Administration.....	252.0
Organized Crime Drug Enforcement (OCDE).....	101.0
Federal Bureau of Investigation.....	63.7
Immigration and Naturalization Service.....	2.4
Justice (Criminal Division).....	2.2
U.S. attorneys.....	21.9
Department of State and AID.....	39.0
Department of Transportation:	
Federal Aviation Agency.....	.5
Coast Guard.....	191.3
Department of Treasury:	
Internal Revenue.....	46.7
Customs.....	236.0
Bureau of Alcohol, Tobacco, and Firearms.....	2.6
Department of Agriculture.....	1.4
Food and Drug Administration.....	1.0
Total.....	1,057.6

Sources: U.S. Office of Management and Budget; various agency budget offices.

During those same years the Federal Government also either initiated or greatly increased programs to reduce the demand for drugs—through treatment, education, and primary prevention.

Given the large number of agencies that in some way became involved in drug control during the preceding decades, conflicts and redundancy of effort were inevitable. As early as 1963, a national commission established by President Kennedy found that Federal efforts in this area have been "fragmented":

The divisions, agencies, and bureaus of five cabinet departments are involved. Inherent in this fragmentation is a lessened emphasis on the problem of drug abuse because other more important primary duties face each official. A strong, well-coordinated general policy for the operating divisions at lower levels has not been developed.¹

Popularly known as the Prettyman Commission, the panel recommended the merger of the Bureau of Narcotics, in the Treasury Department, and the Bureau of Drug Abuse Control, in the Food and Drug Administration, into a new agency to be located in the Department of Justice. In addition, the Commission recommended—

*** that the President appoint a Special Assistant for Narcotic and Drug Abuse from the White House staff to provide continuous advice and assistance in launching a coordinated attack. The Special Assistant will have general coordinating authority and the organizational responsibility to follow through on the evaluation and the implementation of the Commission's recommendations.***²

The Prettyman Commission's recommendation to create a single new agency to enforce both the narcotics laws and the dangerous drug laws was implemented 5 years later, under the Johnson administration, when the Bureau of Narcotics and Dangerous Drugs was established in the Justice Department. The call for a White House staffer with specific responsibility for monitoring drug control functions provided the germ of a concept invoked in 1971, by President Nixon, when he created the Special Action Office for Drug Abuse Prevention.

The Special Action Office for Drug Abuse Prevention (SAODAP) was one among several initiatives taken by President Nixon in his "War on Drug Abuse." A unit of the Executive Office of the President, the agency was authorized to supervise all Federal drug abuse programs involving prevention, education, treatment, training and research. Its first director, Dr. Jerome Jaffe, was frequently referred to by the press as the "drug czar."

In 1972, the year following Presidential establishment of the new agency, Congress provided it with a statutory base, for a 3-year period, through enactment of the Drug Abuse Office and Treatment Act.³ Two key Congressional findings noted in the legislation were as follows:⁴

(1) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among and the Federal Government, States and localities, and throughout the Federal establishment.

(2) Control of drug abuse requires the development of a comprehensive, coordinated long-term Federal strategy

¹ U.S. President's Advisory Commission on Narcotic and Drug Abuse, Final Report, p. 5 (Washington, GPO, 1963).

² Id at 6 and 15.

³ Public Law 92-255 (1972); S. 2097.

⁴ See section 101 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1101).

that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

Despite the reference to "law enforcement" in these two findings, SAODAP was limited under the statute to authority over "drug abuse prevention functions," distinguished—by definitions provided in the enacted bill—from "drug traffic prevention functions."

During Congressional consideration of the SAODAP legislation (S. 2097), substantial support was expressed for adding law enforcement efforts to the coordinative jurisdiction of the agency. Among a number of public witnesses who testified to this effect, before a subcommittee of the Senate Committee on Government Operations, was the then Governor of Georgia, Jimmy Carter. Governor Carter spoke of the need for an "intelligent and consistent drug policy at the national level" and the need to overcome the fragmentation caused by governmental agencies in "jealously guarding (their) independent prerogatives and authority."⁵ He expressed his belief that Congress could not afford to leave law enforcement out of the purview of the Special Action Office. Only by including it could there be a "coordinated and effective Federal program of assistance to the States."⁶

Ultimately, however, Congress acceded to the Administration view that the Office should have no effective power over drug law enforcement agencies. At the same time, the enacted legislation implied that SAODAP should try to influence the formulation of policy for these agencies. Specifically, it stipulated that the SAODAP director could make recommendations to the President in connection with any drug traffic prevention function, and that he was to "consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions."

The exclusion of actual authority over drug law enforcement from the SAODAP mandate continued to draw criticism, during the years of the agency's operation, from many of those who studied the problem. Added to this, there was an inevitable delay in the emergence of any benefits of the new system. Conflicts and redundancy continued in evidence, and in 1973—two years after SAODAP was created—the National Commission on Marihuana and Drug Abuse could still find that within SAODAP's designated sphere of operation "the fragmentation of authority threatens to defeat its attempt to organize federal and State activities into an integrated response, under clear and understandable policy guidelines."⁷

The National Commission on Marihuana and Drug Abuse, established by an Act of Congress and partially appointed by President Nixon, had been given the task of conducting two comprehensive studies—one on the country's marihuana problem and what to do about it, and the second on the problem of drug abuse in general and the appropriate national response. In its detailed report on the

⁵ S. Rept. No. 92-486, 92d Cong., 1st Sess., p. 5 (1971).

⁶ *Ibid.* p. 5.

⁷ U.S. National Commission on Marihuana and Drug Abuse, "Drug Use in America: Problem in Perspective," p. 284 (Second Report), (Washington, GPO, 1973).

general drug problem, the Commission described the development, during the preceding 5 years, of a "drug abuse industrial complex"—marked by "duplication of effort, uncertainty of direction and a lack of interagency coordination." Above all, the Commission noted the emergence of a large Federal drug bureaucracy, "displaying the common propensity of bureaucratic infrastructures to turn short-term programs into never-ending projects."⁸

Despite the fact that coordination and a unified policy were still eluding the government when the National Commission wrote its report, the panel gave SAODAP credit for making progress in that direction. However, the Commission recommended a far more radical approach to the coordination problem than any proposed before or since: the creation of a single agency with responsibility for all (primarily) drug-related functions, both for the formulation of policy and for actual operations. The recommendation envisioned that the agency director would have sub-cabinet rank and would report directly to the President.⁹

Although supporting the concept of a single drug control agency—with the suggestion that it be called the Controlled Substances Administration—the National Commission acknowledged two alternatives:

(1) that the system in effect at the time might be continued "in hope that SAODAP will more effectively utilize its statutory authority to bring some order out of administrative chaos"; and

(2) that SAODAP could be retained but given specifically detailed program authority as well as the budgetary control it already had.¹⁰

The 3-year authorization for SAODAP expired in 1975. The Ford Administration took the position that the agency's life should not be extended. The emergency situation that had called for the extraordinary measure was over, the Administration said, and now the business of directing Federal treatment and prevention efforts should be left to the National Institute on Drug Abuse, which had been established by the same statute as SAODAP.¹¹ General policy concerning all drug control matters would be developed and monitored by several cabinet committees as well as by the Strategy Council on Drug Abuse.¹²

The Ford policy on SAODAP met with strong opposition in the Congress, where appraisals of the agency's performance were positive. Moreover, there was sharp disagreement with the premise that the drug abuse emergency was over and that the government

⁸ Id. at 282.

⁹ Id. at 293.

¹⁰ Id. at 290.

¹¹ Public Law 92-255, Title V. The Act provided that the Institute (NIDA) would be established within the Institute of Mental Health, in effect elevating to institute status the latter's existing Division of Narcotic Addiction and Drug Abuse. In 1973, the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) was created, and NIDA became one of the new agency's three separate and equal institutes.

¹² The Strategy Council on Drug Abuse was established by the same Act that provided statutory backing for SAODAP. It was charged with the development and continual revision of a "comprehensive, coordinated long-term Federal strategy . . . for all drug abuse prevention functions and all drug traffic prevention functions conducted, sponsored, or supported by any department or agency of the Federal Government." (Public Law 92-255, Title III).

could return to "business as usual" in dealing with the problem. In the reports on the legislation to extend SAODAP, both the House and Senate Committees with jurisdiction emphasized the continuing need for the agency.¹³ Accepting their recommendations, in 1976 Congress amended the SAODAP statute to establish a similar entity—the Office of Drug Abuse Policy (ODAP)—but, in deference to the Administration's position, provided it with considerably less authority.¹⁴

President Ford declined to implement the ODAP amendment. However, in March 1977, his successor, President Carter, announced the nomination of Dr. Peter Bourne to fill the vacant position of ODAP Director. Dr. Bourne took office in June 1977.

In July 1977, the Carter administration submitted a plan for the reorganization of the Executive Office of the President, which called for the abolition of ODAP.¹⁵ Because the proposed plan was not disapproved by Congress, ODAP was terminated early in 1978. In all, therefore, the successor agency to SAODAP was in operation for little more than half a year.

When ODAP went out of existence, Dr. Bourne was appointed a presidential assistant for international health and drug abuse. As such, he oversaw the operations of a drug policy unit within the Domestic Policy Staff of the Executive Office of the President. After Dr. Bourne resigned, in 1978, the unit was supervised by the former Associate Director of ODAP, Lee Dogoloff.

The Reagan Administration has maintained a similar arrangement, and in June 1982 the President issued an Executive Order (No. 12368) that officially designated the unit the Drug Abuse Policy Office. The order also named a director (Dr. Carlton Turner) to be "primarily responsible for assisting the President in formulating policy for, and in coordinating and overseeing international as well as domestic drug abuse functions by all Executive agencies."

In addition to the Drug Abuse Policy Office, the Reagan Administration has established its own versions of the cabinet committee: a Cabinet Council on Legal Policy, chaired by the Attorney General, and more recently—in connection with the President's anti-drug task force program—a Cabinet Committee on Organized Crime, also chaired by the Attorney General.

At the end of the 97th Congress an omnibus crime control bill was cleared for the President¹⁶ which was a limited version of legislation passed by the Senate on September 30, 1982.¹⁷ During Senate consideration of the latter bill, the Violent Crime and Drug Enforcement Improvements Act (S. 2577), Senator DeConcini and Senator Pell offered an amendment to establish an Office of Director of National and International Drug Operations and Policy in the Executive Branch.¹⁸ Similar in concept to SAODAP, the proposed agency would have been charged with the overall planning and coordination of Federal efforts to control the supply of danger-

¹³ S. Rept. No. 94-218, 94th Cong., 1st Sess. (1975) and H. Rept. No. 94-375, 94th Cong., 1st Sess. (1975).

¹⁴ Public Law 94-237 (1976).

¹⁵ Reorganization Plan No. 1 of 1977 (House Doc. No. 95-185).

¹⁶ H.R. 3963, 97th Cong., 2d Sess. (1983); 128 Cong. Rec. H 10509, S 15853 (daily ed.).

¹⁷ S. 2572, 97th Cong., 2d Sess. (1982); 128 Cong. Rec. S 12859 (daily ed.).

¹⁸ 128 Cong. Rec. S 12821-S 12825 (daily ed.).

ous drugs. This provision, which remained in the bill sent to the President and which is the predecessor of the Committee bill, had been approved in the Senate by a vote of 63 to 33.¹⁹

President Reagan exercised a pocket veto of the crime bill. In his memorandum of disapproval (January 14, 1983), he contended that "although the provisions' aim—with which I am in full agreement—is to promote coordination, this can be and is being achieved through existing administrative structures."²⁰

The President's view that coordination is being achieved under the present system was challenged in a report recently issued by the General Accounting Office.²¹ With drug interdiction the focal point, the GAO found that although the level of cooperation among the principal agencies has been increasing, the fragmentation of authority and responsibility "has a certain amount of inefficiency and interagency conflict built in." In particular, the GAO points out, "Congressional oversight and executive branch resource allocation decisions relative to drug interdiction are difficult under these circumstances."²² Accordingly, the agency recommended that the President should—

Direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities, and

Make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs.²³

III. GENERAL COMMITTEE VIEWS

The Committee finds that the Reagan Administration has taken many promising initiatives in the area of drug law enforcement. The President is to be commended for committing the additional resources that resulted in the creation of the South Florida Task Force. The Administration has also committed itself to funding two nation-wide task force programs instituted within the past year, the Organized Crime Drug Enforcement program (OCDE) and the National Narcotics Border Interdiction System (NNBIS).

Despite the progress represented by such actions, the Committee believes the Administration's anti-drug effort falls short in one crucial respect: the lack of central direction.

At least 15 Federal agencies play a role in the regulation of commerce in dangerous drugs or in the enforcement of other restrictions designed to reduce the abuse of such drugs. These agencies are located in six different departments. Under such circumstances, it is inevitable that divergencies as to priorities will arise and that there will be conflicting interpretations of national policy. Indeed, national policy in such an area as drug law enforcement must be continually reevaluated and reformulated; a one-time annual review and the publication of a broadly-worded strategy document does not suffice.

¹⁹ Id. at S 12833.

²⁰ 19 Weekly Comp. Pres. Doc. 47 (January 14, 1983); 129 Cong. Rec. H. 1245 (January 25, 1983 (daily ed.)).

²¹ U.S. Comptroller General Report to the Congress, "Federal Drug Interdiction Efforts Need Strong Central Oversight," p. 136 (1983).

²² Id. at iii.

²³ Id. at v.

As the above review of Federal anti-drug efforts during the past 20 years indicates, the problem of coordination is not one that has been discovered only recently. In the early Sixties, a Presidential commission pointed out the growing need for central direction in this area. Creation of the Bureau of Narcotics and Dangerous Drugs in 1968 and of the Drug Enforcement Administration in 1973 represented two major attempts to achieve a sharper focus and to resolve inter-agency conflicts. More significant, in terms of the approach of the Committee bill, was the establishment in 1971 of the Special Action Office for Drug Abuse Prevention (SAODAP).

SAODAP was the same kind of "overlord" agency as the one contemplated by S. 1787. However, it was flawed from the beginning in that its effective jurisdiction was limited to activities aimed at the control of drug demand; it was not given authority of any substance in the law enforcement field. Even so, the beneficial results of the agency's operations were noted by the National Commission on Marihuana and Drug Abuse, and there was wide support in Congress for its continuation.

The Committee bill draws from the SAODAP concept, but focuses on the aspects of drug control that were excluded from the former agency's purview, i.e., the government's efforts to control the supply of abused drugs. It is in the area of supply control, be it in foreign or domestic programs, that the Committee perceives the greatest current need for central direction.

The Administration oppose S. 1787. In his veto memorandum on the 97th Congress bill that contained similar provisions, President Reagan criticized the concept in the following terms:

The creation of another layer of bureaucracy within the Executive Branch would produce friction, disrupt effective law enforcement, and could threaten the integrity of criminal investigations and prosecutions—the very opposite of what its proponents apparently intend.

Former Associate Attorney General Rudolph Giuliani, further explaining the Administration position, had this to say:²⁴

If the czar (contemplated by the bill that was then on the President's desk) is to have the power to direct the drug enforcement operations of other Cabinet officers, the very nature of our Cabinet system of government would be drastically altered. If he is not to have such power, he could do little more than interfere with the existing mechanisms, which have been working well.

The theme that an office such as the one proposed by this bill would constitute a grave threat to the cabinet structure of our government runs through the comments of Administration officials on S. 1787 and its predecessor. The implication is that this structure is the very foundation of the executive branch and one from which we depart at our peril. The Committee recognizes the strengths of cabinet government but does not agree that it is sacrosanct. There are respected authorities who question the Administration's posi-

²⁴ The Washington Post, opinion editorial entitled "A Drug Czar Would Just Get in the Way," p. A19 (January 12, 1983).

tion on this subject, not only on theoretical grounds but also from the standpoint that it misrepresents the reality of the decision-making process, under the Reagan Administration as well as others of the past several decades.

In a recent article, the former chairman of President Reagan's Council of Economic Advisers—Murray Weidenbaum—had some instructive comments on the subject of the Cabinet role.²⁵ In practice, he stated, the Federal Government has been moving away from the cabinet model, and the basic policy meetings today are primarily those in which key people from the White House, the Office of Management and Budget, the Council of Economic Advisors, and the National Security Council participate. The fact is, according to Mr. Weidenbaum, that a President now tends to rely heavily on his senior appointees in the Executive Office of the President. His conclusion was as follows:

It seems futile for each new administration to enter office dedicated to strengthening the cabinet and minimizing the White House organization only to find that reality overwhelms these noble intentions. The time may be ripe to adopt formally some 20th-century concepts in the conduct of the government's business.

Not only does a rigid theory of cabinet government, or decision by consensus, conflict with the reality of management under all recent Administrations, the major drug control initiatives of the current Administration point in themselves to the need for a single focus of authority. The Attorney General has been placed in charge of the Organized Crime Drug Enforcement program whereas the National Narcotics Border Interdiction System is under the direction of the Vice President.

The legislation proposed by the Committee is written to provide flexibility in its implementation. It does not specify, for example, that the proposed office must be a part of the Executive Office of the President. Indeed, while appreciating the argument of Mr. Weidenbaum in the points he makes on cabinet government, the Committee does not necessarily subscribe to the idea that an expansion and aggrandizement of the immediate White House staff is always wise or necessary.

Thus, under the provisions of the Committee bill, the President would be free to appoint an incumbent such as the Attorney General as Director of the central drug agency if, in his judgment, that were the soundest course. The sole purpose of the proposed legislation is to provide sufficient authority to a single official, one who clearly has the President's attention, for the unified direction of Federal efforts to curb the traffic in illegal drugs.

The Committee recognizes fully that the executive branch cannot altogether be run from the White House. The point of Mr. Weidenbaum's analysis, and of others who have given thought to the difficulties of Federal government management, is that in certain critical areas both the setting of policies (including those more typically determined by line agencies) and the broader aspects of the operational direction must and, in fact, *do* take place at the White

²⁵ "In Defense of a Powerful White House Staff," Wall Street Journal, p. 12 (August 29, 1983).

House level. In this context, the question then becomes: "Is drug control one of these areas?" The Committee believes that it is—unique both in the danger it poses to the social fabric of the Nation and in the necessary complexity of the government's response.

IV. SECTION-BY-SECTION ANALYSIS

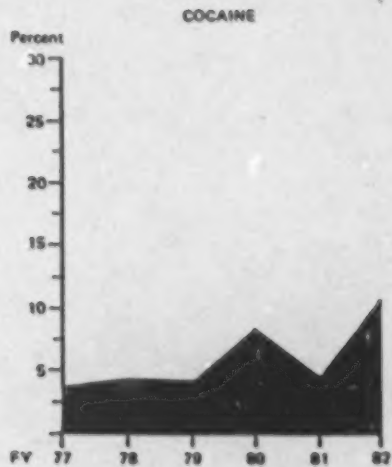
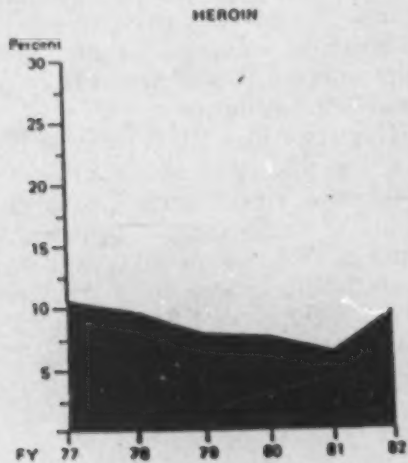
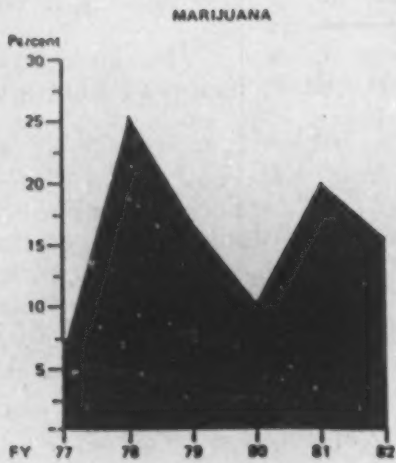
Section 1 of the bill contains the short title "The National Narcotics Act of 1983."

Section 2(a) includes a list of findings by the Congress that dramatize the scope of the drug problem in America. Estimates of the illicit drug industry range from \$80 to \$100 billion annually. Recent estimates by DEA reveal the following supply of drugs available in the United States in 1981:

Supply of Drugs to the Illicit U.S. Market, 1981: Heroin, 4.0 metric tons; Cocaine, 34-45 metric tons; Marijuana, 9,600-13,900 metric tons; Hashish, 200 metric tons; Dangerous Drugs, 3,339 million dosage units.

The National Institute on Drug Abuse estimates that the heroin addict population in the United States is close to 500,000. Current estimates show that 22 million Americans have used cocaine. Industry is losing as much as \$25 billion a year as a result of slowed productivity, absenteeism, lateness and irrational decisions caused by use of illicit substances.

The General Accounting Office in a June, 1983 report estimate, as indicated in the following graphs, that little of the drugs coming into the United States are intercepted by enforcement agencies.

PERCENT OF DRUG SUPPLY SEIZED
FISCAL YEARS 1977-1982

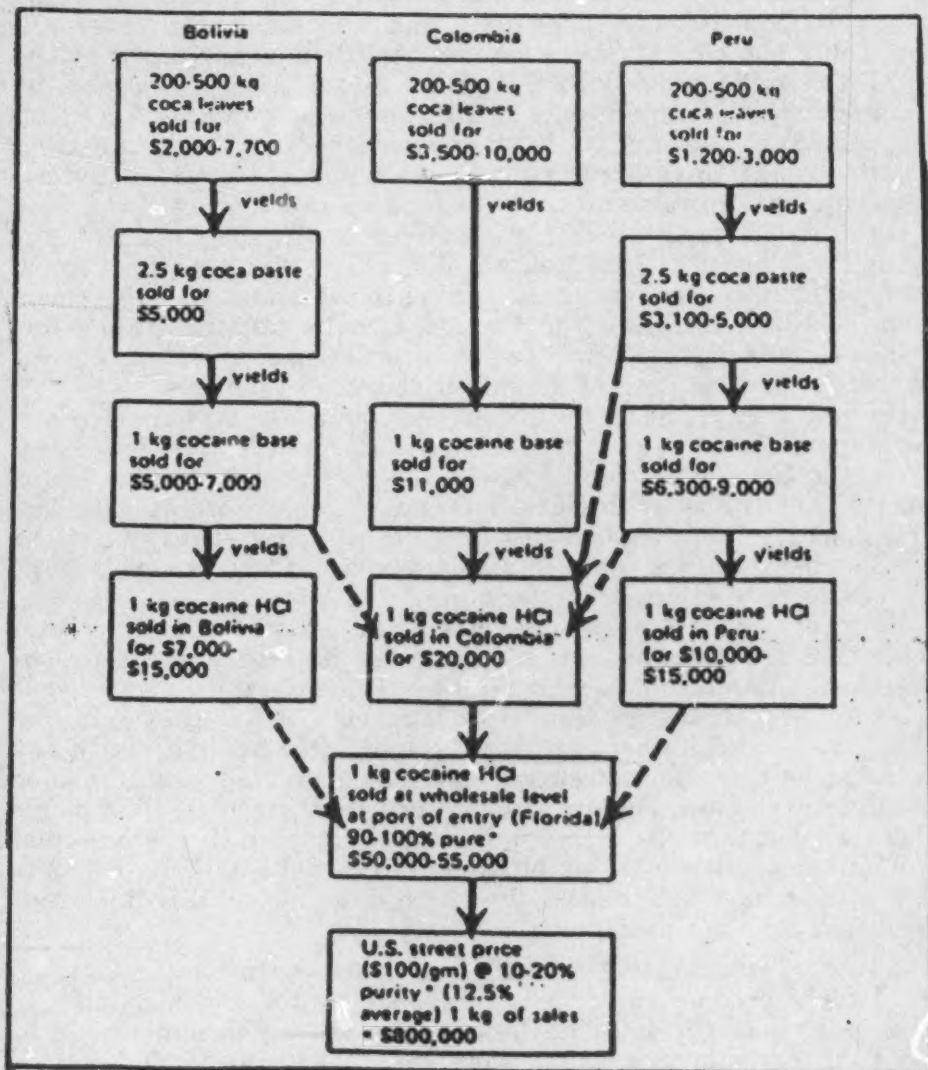
Recent studies by the Department of Justice and others show a strong link between drug addiction and crime. See Appendix pages 23-55.

In June, 1983 the Chairman and Ranking Member held a hearing in New York City where New York and Federal law enforcement officials explained traditional and newly emerging organized crime groups that are involved in drug trafficking.

Sterling Johnson, Chief Narcotics Prosecutor for New York City, was quoted as saying, "drugs are to organized crime as gasoline is to an automobile."

Deputy Chief Emil Ciccotelli of the New York City Police Department explained the structure of traditional La Cosa Nostra, Black, Pakistani, and Colombian organizations in New York that were capable of importing, processing, cutting, and distributing drugs. An example of the profits that can be made by trafficking organizations is illustrated by a DEA chart below from the DEA Report entitled, "Supply of Drugs to U.S. Illicit Market From Foreign and Domestic Sources in 1980," p. 49.

**Representative Prices
for One Kilogram of
Cocaine at Successive
Stages of Trafficking,
1980**



BEST COPY AVAILABLE

Section 2(b) sets forth the ultimate goal of the proposed legislation, i.e., to insure the following:

- (1) The development of a national policy with respect to illegal drugs;
- (2) The direction and coordination of all Federal agencies involved in the effort to implement such a policy; and
- (3) That a single, competent, and responsible high-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to the illegal drug problem.

On June 24, 1982, by Executive Order 12368, the President formally established a Drug Abuse Policy Office and appointed as its director Dr. Carlton Turner. According to the order, the Director is responsible for assisting the President in formulating policy for, and in coordinating and overseeing, international as well as domestic drug abuse functions of all executive branch agencies.

On February 17, 1983, the House Subcommittee on Crime held a hearing on the coordination of drug enforcement efforts. The director of the Drug Abuse Policy Office testified that it was his job to ensure that the activities of all agencies are consistent with the President's established policies and his national strategy and to provide coordination between the numerous agencies involved in all aspects of the total drug abuse program.

However, under questioning by several Congressmen it became clear that the director does not have the authority or stature to oversee the implementation of the Federal strategy.

Under questioning by Chairman Hughes and Ranking Minority Member Sawyer, it was stated that the director had not responded on behalf of the administration to a GAO report that was critical of coordination of the Federal drug interdiction strategy. Testimony also revealed that the director did not participate in the administration consideration of the bipartisan crime bill in January, 1983 that would have established the same office as in this bill. Congressman Schumer concluded:

* * * After sitting through two hours of this testimony, I have become convinced that his (Senator Biden's) bill means something. It has become clear to me and more of your (Director Turner) answers have not negated my feeling that, number one, there is absolutely no coordination, or very little coordination among the different agencies in charge of drug enforcement. Number two, that those agencies have different priorities, and number three that your office (Director Turner) is supposed to do policy and not coordinate. So there is really no coordinator at all.

At the same hearing, William J. Anderson, Director of the GAO's Government Division, gave the following testimony based on the agency's review of Federal coordination of drug enforcement efforts:

* * * Thus although the numerous coordination groups at the national and local level may improve operational coordination, no one person, as we view it, has the operational responsibility to evaluate drug efforts and recommend corrective actions and then make them happen.

Under the current arrangement, there is no mechanism for optimizing the allocation of limited Federal drug enforcement resources. * * *

Section 3 provides for the establishment, within the executive branch, of an "Office of the Director of National and International Drug Operations and Policy", to be headed by a Director with the assistance of a Deputy Director. The provision is purposely written so as to provide maximum flexibility in its implementation. It does not specify whether the proposed office is to be an independent agency or located, as was the Special Office for Drug Abuse Prevention and its successor agencies, within the Executive Office of the President. Further, the language of the bill does not exclude the possibility of the appointment of someone already a member of the Cabinet.

Section 4(a) provides that both the Director and the Deputy Director shall be appointed by and shall serve at the pleasure of the President, by and with the advice and consent of the Senate. A limit of four years is established for the term of office of both officials, at the end of which reappointment and reconfirmation would be required. Compensation for the Director is fixed according to the provisions of section 5313, title 5, United States Code, and for the Deputy Director according to those of section 5314 of the same title.

The principal effect of the subsection is to give appropriate high-level status to the Director of the proposed office. This reflects the Committee's conviction that such status is necessary if the office is to have the influence needed to impose a truce on interagency feuding, to insure maximum participation, and to allocate budgetary resources for top efficiency and economy.

Section 4(b) provides that the Director shall serve as the principal director and coordinator of United States operations and policy on illegal drugs. Thus, the Congress and the public would have a single person to hold accountable for developing and implementing a Federal drug strategy. It is the Committee's intent that the term "illegal drugs" be defined broadly, to include any drug scheduled under the Controlled Substances Act (21 U.S.C. 800 et seq.) that is transferred or used for other than a legitimate purpose as specified by that Act.

Section 4(c) clarifies section 4(b) by listing the specific areas of the responsibility and authority of the Director of the proposed office in his role as the primary advisor to the President on national and international drug policy. The Director would be required to consult with the appropriate departments and agencies for the purpose of establishing objectives and goals which respond to the expected needs for a coordinated national and international drug program. Achievement of these goals will necessitate the establishment of priorities for the entire drug strategy.

The Director will be the principal spokesperson to the Congress and the public on overall national and international drug policy.

Additionally, the Director shall have, consistent with applicable law, approval authority for the National and International Drug Program budget submitted to the President. The Director shall provide guidance for budget development with department and agency heads. The agency and department heads shall provide timely submission of their proposed programs to the Director, who will develop an overall Federal anti-drug budget proposal that includes all international and national programs.

It will be the Directors responsibility to present and justify this budget proposal to the Congress. The Director shall have full authority for reprogramming funds within the Federal anti-drug budget after consultation with the Congress.

The agency and department heads may appeal to the President any decisions by the Director on budget or reprogramming matters as they relate to the Federal anti-drug program.

Additionally, the Director shall monitor and evaluate the implementation of the Federal anti-drug program and make recommendation to the President and Congress as to changes and adjustments that may be necessary.

Section 4(d) authorizes the Director to make temporary reassignments of government personnel for the implementation of United States policy respecting illegal drugs, with the concurrence of the head of the agency employing such personnel. It further provides that he may procure temporary and intermittent services under *Section 3109(b)*, title 5, U.S. Code, fixing the compensation limit at the daily equivalent of the maximum annual rate of basic pay for the grade of GS-18 of the General Schedule. Also authorized is the acceptance and use of donations of property from all government agencies and the use of the mails in the manner prescribed for executive branch agencies generally.

Section 4(e) provides that notwithstanding any other provision of law, rule, or regulation to the contrary, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.

Full understanding of the intent of the Act requires focusing on the importance seen by the Congress in having a single, high-ranking official who works full-time exclusively on drug issues and can speak definitively about each part of the government-wide program and the efforts of each of the individual agencies. It would seem that Congress is the best judge in this regard. Certainly, Congress has long and extensive experience with hearing separately from all the agency heads and from various Attorneys General. The experience has not instilled confidence that there really is a government-wide program or that the efforts of individual agencies are as well coordinated as possible. In a budget era when additional resources are more difficult than ever before to acquire, coordination of effort is a paramount need.

The Committee is seeking to strengthen central direction of the anti-drug effort. The Director created by the Act is to the drug law enforcement community what the Director of Central Intelligence (D.C.I.) is to the intelligence community. Both establish general policies and priorities, approve budget submissions, and prepare a

government-wide program by which the Chief Executive may discharge responsibilities the Constitution explicitly vests in him.

Neither the Director of National and International Operations and Policy nor the Director of Central Intelligence has "command authority" with respect to agencies in other departments. Accordingly, it can be accurately stated that powers of the Secretary of Defense and the directors of the National Security Agency and the Defense Intelligence Agency are not diminished by those of the D.C.I. The latter's power to "coordinate" the "efforts" of the various agencies of the intelligence community and to provide central "direction," integration, and cohesion of their programs merely means that fully autonomous agencies must follow policy guidance from a central official. He in turn is directly responsible to the President and the Congress. The lines of communication for the drug Director are parallel.

Senator Biden, in response to a question by Congressman Sensenbrenner at the House Subcommittee on Crime hearing on Federal drug coordination, stated:

I sit on the Intelligence Committee, have been on it since its inception, and was involved in the rewrite of the authority of the D.C.I. (Director of Central Intelligence). We could do to the Attorney General what we did legislatively to the Director of the Central Intelligence Agency. We made that person, who used to be the head of CIA, the D.C.I. The D.C.I. not only directs CIA now, he can task NSA, he can task Army Intelligence, Navy Intelligence, he has the authority to task the entire intelligence apparatus, but one of the things we found in the Senate side with those long and dangerous investigations in the period of looking at the agency was that, in fact, there was not coordination within the intelligence community.

I want, whomever this person is, to have an authority similar to that of the D.C.I. It works for the D.C.I. It is working well for the D.C.I. It did not create any new bureaucracy.

There are four major aspects of the drug problem: foreign eradication or crop substitution in the source countries, interdiction of drugs before they reach the United States borders and streets of our cities, enforcement and investigation of those individuals involved in drug trafficking in this country, and collection of intelligence useful in interrupting the flow of drugs at each of these stages. The Director will oversee the development and implementation of a plan that addresses all of these aspects. He will have the authority, with consultation from the agencies and departments involved, to prioritize the Federal effort devoted to all aspects of the drug effort.

In seeing that the agencies and departments are coordinating and committing their resources in unison with the overall Federal anti-drug program, the Director will exercise authority similar to that which the Director of Central Intelligence has in coordinating Federal intelligence responsibilities. This does not mean the Director will involve himself with day-to-day command decisions or interfere with individual agency tasks.

As an example, the Director may conclude that forfeiture of drug trafficker's assets will be a crucial element of the Federal anti-drug strategy. The strategy will define how the various agencies will contribute to improving the number and level of forfeiture cases. However, the Director will not be telling individual agencies specific cases it must work on nor direct the level of personnel necessary to work on particular cases. Instead the Director will, through coordination, attempt to reach the prioritized goal. In this example, improving forfeiture of assets will be a goal that the Director will attempt to reach by insuring that agencies have sufficient resources and are directing operational activity in a coordinated manner.

The GAO addressed the issue in their June 13, 1983 report on Federal coordination:

Under the current arrangement there is no mechanism for optimizing the allocation of limited Federal drug enforcement resources. For example, currently no one can determine whether the \$179 million spent on marihuana interdiction by the Coast Guard could be used more effectively on the international narcotics control program. One individual must be given the responsibility and authority to plan and oversee all Federal drug law enforcement programs. Such authority, however, should not extend into the direction of each agency's day-to-day operations, because the individual agencies are best capable of managing their particular functions within the context of their overall agency missions.

Section 4(f) requires the General Services Administration to provide the Director on a reimbursable basis such administrative support services as the Director may request.

Section 5 provides that the Director will submit to Congress an annual report on the extent of the drug problem, the Federal strategy for addressing the drug problem, and an evaluation of the success and failures of the previous year's policy and plans. The Report will also include suggested changes in goals, priorities, resources, etc. that would improve the Federal Anti-Drug Program.

Section 6 provides for the authorization of the program through fiscal year 1988 at a level of \$500,000 in fiscal year 1984 and such sums as may be necessary in the remaining years.

The purpose of this bill is to give one person authority to cut through existing bureaucratic barriers to coordination. This is an effort to reduce duplication and inefficiency that now exists in the Federal anti-drug effort.

The Committee expects that this office will not be staffed by new personnel, but will draw upon personnel from existing agencies.

This is not envisioned to be a large office since policy development and review will be the primary function of the office. There will not be individuals carrying out operational functions such as those in the departments and agencies responsible for intelligence, arrests, or prosecutions. This office will analyze and bring together the various objectives and goals of the agencies and departments involved in the Federal anti-drug program.

The authors of the bill have also suggested that an existing official, such as the Attorney General, could fill this position. This would not require additional compensation and would be similar to the current situation with the Director of Central Intelligence.

The Committee envisions funds being used in carrying out objective and independent review of the Federal anti-drug strategy. Too often in the past Congress has been presented in oversight hearings with facts and figures by agency and department heads that are limited and not a true measure of success in fighting the drug problem. These figures are collected by the individual agencies and often do not relate to an overall strategy or goal. For example, a particular agency might report to Congress an increase in seizure of drugs. The agency will use this to show improvement and success of the agency. However, at the same time the availability and price of drug figures may actually show that there are more and cheaper drugs available on the streets of American cities. Therefore, in the overall context of achieving a national goal of reducing the availability and quantity of drugs in the United States, it is not being achieved and is not reflected in the individual statistics that may be presented by an agency.

There have also been examples in the past of agencies double counting statistics. This was documented in the GAO report of June 1983, which stated:

Statistics on drugs interdicted are overstated because of double and triple counting. Each agency participating in a particular seizure claims credit for the drugs seized—the rationale is that any agency involvement, however limited, merits recognition. A pound of marijuana seized by the Coast Guard in the Caribbean is also claimed by Customs because it took custody of the drugs at the dock. If intelligence came from an agency other than the one making the seizure, both or more agencies claim the seizure.

We could not determine the extent of double counting, but some examples are noted:

In the New Orleans region at least five drug seizures were counted separately by Customs, the Coast Guard, and DEA. In these cases over 200 tons of marijuana were seized. Because all three agencies took credit for the 200 tons of marijuana, there was a 400 ton overstatement of marijuana seized in fiscal year 1981 in the New Orleans region.

The largest cocaine seizure in history—3,245 pounds—which was made in March 1982 at Miami International Airport was counted by both DEA and Customs.

It is important that objective evaluations are available to the President and Congress so that recommendations and improvements can be considered. It may be necessary for the Director to use consultants or evaluation teams from outside the drug interdiction and enforcement community to insure that evaluations are carried out in a manner that does not leave open to question the motives or reasons for the conclusions or recommendations.

Section 7 sets the effective date of January 1, 1984 for the establishment of the Office of the Director of National and International Drug Operations and Policy.

V. VOTE OF THE COMMITTEE

Final passage of S. 1787. 12 yeas to 5 nays as follows:

Yea
Hatch
Simpson
Grassley
Specter
Biden
Kennedy
Byrd *
Metzenbaum *
DeConcini *
Leahy
Baucus
Heflin
Not voting—Mathias

Nay
Laxalt
Dole *
East
Denton *
Thurmond

*By proxy.

VI. REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) Rule XXVI of the Standing Rules of the Senate it is hereby stated that the Committee anticipates that the bill will have no additional direct regulatory impact. After due consideration, the Committee has determined since there are no changes in existing law contained in the bill, it will not increase or diminish any present regulatory responsibilities of the United States Department of Justice or of any other Department which exercises a law enforcement responsibility.

VII. COST OF LEGISLATION

In accordance with paragraph 11(a) Rule XXVI of the Standing Rules of the Senate, the Committee offers the following report of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 31, 1983.

HON. STROM THURMOND,
*Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate
Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1787, the National Narcotics Act of 1983, as reported by the Senate Committee on the Judiciary, August 4, 1983.

The bill establishes an Office of the Director of National and International Drug Operations and Policy. The director is to coordinate and guide federal efforts to control the use of illegal drugs. He may direct other federal departments to carry out certain policies

and, with the concurrence of the heads of the federal agencies involved, order the temporary reassignment of federal personnel.

The bill authorizes appropriations of \$500,000 for the Office of the Director in fiscal year 1984, and such sums as may be necessary in each of the four succeeding years. Because the bill specifies an effective date of January 1, 1984, the office would operate for only three-quarters of fiscal year 1984. Consequently, expenditures for the office would be somewhat higher in later years. Assuming the appropriation of the necessary sums and inflation increases in future years, the total cost to the federal government is estimated to be \$500,000 in 1984, rising to between \$700,000 and \$800,000 annually between 1985 and 1988. This estimate assumes no change in staffing levels after 1984.

Enactment of this bill would not affect the budgets of state and local governments.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

VIII. APPENDIX

[Congressional Record April 8, 1981]

HEROIN USE AND STREET CRIME

(By James A. Inciardi)

The relationship between heroin use and street crime has been studied for the better part of this century, but the findings have been inconclusive. Research in this area has been limited to analyses of criminality in terms of arrest data, and samples have been drawn only from officially known populations of drug users. The present study focuses on a sample of 356 active heroin users from Miami, Florida, and data have been collected describing their officially known and self-reported criminal activity. The data indicate that, while active heroin users are heavily involved in street crime, any relationship between drug use and crime is much more complex than has been generally believed. The findings of the research suggest that the wrong questions may have been asked in previous studies of the drugs/crime nexus.

The relationship between heroin use and street crime represents an issue that has long been studied, argued, and reexamined—yet few definitive conclusions are apparent today. For more than six decades, researchers and opinion makers have addressed the subject, asking such questions as, Do heroin use and addiction cause crime? If so, what ought to be done to manage the problem? Much of the research on this has attempted to determine the sequence of heroin use and criminal activity. Does addiction per se lead the user into a life of crime, or do the demands of the addict's life-style force him into criminal behavior? Or, alternatively, is heroin use simply an additional pattern of deviant activity manifested by an already criminal population? The catalog of research has been impressive, at least in terms of sheer quantity.¹

The findings that have emerged, however, have led to a series of peculiar and contradictory perspectives. Some researchers have found that the criminal histories of their sample cases considerably preceded any evidence of drug use; thus, their conclusion has been that the heroin user is indeed a criminal, and should be treated as such. Others have found in their data that the sequence is in the

¹ For annotated bibliographies and analyses of these studies, See Research Triangle Institute. *Drug Use and Crime* (Springfield, Va.: National Technical Information Service, 1976); Gregory A. Austin and Daniel J. Lettieri, *Drugs and Crime: The Relationship of Drug Use and Concomitant Criminal Behavior* (Rockville, Md.: National Institute on Drug Abuse, 1976); S. WW. Greenberg and Freda Adler, "Crime and addiction: an Empirical analysis of the Literature, 1920-1973," *Contemporary Drug Problems*, vol. 3 (1974), pp. 221-70; and James A. Inciardi, "The Vilification of Euphoria: Some Perspectives on an Illusive Issue," *Addictive Diseases*, vol. 1 (1974), pp. 241-67.

reverse direction, and have offered us an "enslavement theory" of addiction. Within this perspective, it is suggested that the monopolistic controls over the heroin black market have forced the otherwise law-abiding user into a life of crime in order to support his habit. The answer to the "problem" is simple: Legalize heroin, and the need for crime is removed. And still a third group finds conflicting data: Some members of the samples were drug users first, other members were criminals first, and still others embraced both drug use and crime simultaneously. The conclusion here is that heroin use and crime may not be related at all, but instead result from some third, unknown variable, or some complex set of factors that pervade the user's operating social milieu and greater environment.

Yet any conclusions, hypotheses, and theories from these efforts become meaningless when one considers the awesome biases and deficiencies in the information that has been generated. Data-gathering enterprises on criminal activity have usually restricted themselves to the heroin users' arrest histories, and there can be little argument as to the inadequacy of official statistics as measures of the incidence and prevalence of criminal behavior. Those studies that have gone beyond arrest figures to probe self-reported criminal activity invariably have been limited to small samples of either incarcerated heroin users or users placed in treatment programs. And the few efforts that have been made to locate active heroin users have generally examined their samples' drug-taking behaviors to the exclusion of their drug-seeking behaviors.

In an effort to generate a preliminary and more realistic data base descriptive of the criminal activities of active heroin users, the present study focused during a twelve-month period ending in 1978 on the street community as an information source, using active cases in Miami, Florida.²

METHOD

The peculiar life-style, illegal drug-taking and drug-seeking activities, and mobility characteristics of active drug users preclude any examination of this group through standard survey methodology. A sample based on a restricted quota draw was rejected in favor of one derived through the use of a sociometrically oriented model.

In the field site, the author had established extensive contacts within the subcultural drug scene. These represented "starting points" for interviewing. During or after each interview, at a time when the rapport between interviewer and respondent was deemed to be at its highest level, each respondent was requested to identify other current users with whom he or she was acquainted. These persons, in turn, were located and interviewed, and the process was repeated until the social network surrounding each respondent was exhausted. This method, as described, restricted the pool of users interviewed to those who were currently active in the given subcultural knit in the street community and who were "at risk." In ad-

² These data were generated by DHEW grant No. 1-R01-DA-0-1827-02, from the Division of Research, National Institute on Drug Abuse.

dition, it eliminated former users as well as those who were only peripheral to the mainstream of the subcultural half world.

This selection plan does not guarantee a totally unbiased sample. However, the use of several starting points within the same locale eliminated the difficulty of drawing all respondents from one social network. Confidentiality was guaranteed to the respondents, interviewing was done in an anonymous fashion, and each respondent was paid a fee for participating.

This sampling technique resulted in an initial study population of 356 heroin users (see Table 1) who were active in the free community at the time of the interview. Not unlike other populations of drug users, most of the sample cases were males (67 percent), and the majority of both the males and females were unemployed whites, clustered in the eighteen- to thirty-four-year-old age group (see Table 1). Males and females did, however, evidence many pronounced differences in their criminal career patterns.

TABLE 1.—SELECTED CHARACTERISTICS OF 356 ACTIVE HEROIN USERS

Characteristics	Males (n = 239)	Females (n = 117)
Age:		
17 and under	0.8	3.4
18 to 24	19.2	34.2
25 to 34	64.0	51.3
35 to 49	14.2	9.4
50 and over	.8	1.7
Median (years)	27.9	26.9
Ethnic background:		
White	52.3	55.6
Black	33.5	24.8
Hispanic	14.2	16.2
Other		3.4
Years of school (median)	11.8	11.7
Employment status:		
Currently employed	49.3	41.9
Unemployed	48.5	53.8
Not in labor force	2.2	4.3
Marital status:		
Never married	45.6	46.2
Married	25.9	13.7
Divorced/separated	26.4	36.8
Widowed	1.7	2.6
No data	.4	.9

DRUG USE PATTERNS

The heroin users sampled in this study had long histories of multiple drug involvement, following clear sequential patterns of onset and progression. Both males and females began the use of drugs with alcohol. Their first experiences with alcohol intoxication occurred at median ages of 13.3 and 13.9 years, respectively, with 39.3 percent of the males and 21.4 percent of the females having such an experience before age 12. Furthermore, as indicated in Table 2, progression into the other major drugs followed identical sequential patterns for both sexes. For example, based on median ages of onset, alcohol use was followed by initial drug abuse experimen-

tion at 15.2 years of age, followed by marijuana use, barbiturate use, heroin use, and cocaine use:

TABLE 2.—DRUG USE HISTORIES

Drug use characteristics	Males (n = 239)	Females (n = 117)
Age of 1st alcohol use (median)	12.8	13.8
Age of 1st alcohol high (median)	13.3	13.9
Ever used alcohol (percent)	95.8	98.3
Age of 1st drug (excluding alcohol) use (median)	15.2	15.2
Age of 1st marijuana use (median)	15.5	15.4
Ever used marijuana (percent)	99.2	99.1
Age of 1st barbiturate use (median)	17.5	17.0
Ever used barbiturates (percent)	84.9	88.0
Age of 1st heroin use (median)	18.7	18.2
Age of 1st cocaine use (median)	19.7	18.7
Ever used cocaine (percent)	92.9	92.3
Median number of drugs ever used ¹	10.3	10.5
Median number of drugs "currently" being used ²	5.0	5.6
Ever treated for drug use (percent)	56.9	56.4
Currently in treatment (percent)	.4	.9

¹ Includes alcohol, heroin, other narcotics, sedatives, stimulants, antidepressants, hallucinogens, analgesics, and solvents/inhalants.

² "Current" use refers to any intake during the 90 days before the interview.

Substance	Median onset age	
	Males	Females
Alcohol use	12.8	13.8
Alcohol intoxication	13.3	13.9
First drug abuse	15.2	15.2
Marijuana use	15.5	15.4
Barbiturate use	17.5	17.0
Heroin use	18.7	18.2
Cocaine use	19.7	18.7

Curiously, while the females began their careers of substance use one year later than the males, their progression was more rapid and the extent of their drug involvement seemed to be greater. A median of 5.9 years separated the males' initial alcohol experimentation from their first use of heroin at age 18.7. With females, the onset of heroin use was at age 18.2, only 4.4 years after the first use of alcohol. Furthermore, as is shown in Table 2, the females were using a slightly wider variety of drugs than were the males.

CRIMINAL HISTORIES

Early involvement in criminal activity was characteristic of the great majority of the sampled heroin users. As shown in Table 3, 99.6 percent of the males and 98.3 percent of the females reported having ever committed a crime, with the median age of the first criminal act preceding the sixteenth year. The first crimes committed were generally crimes against property, although the specific kind of property crime varied between males and females.

As shown in Table 3, burglary was cited most often by males as the first crime (25.1 percent), followed by shoplifting (20.1 percent),

other larcenies (11.7 percent), and drug sales (10.0 percent). In contrast, 38.5 percent of the females reported shoplifting as their first offense, followed by prostitution (18.8 percent) and drug sales (12.8 percent). It might also be noted here that the proportion reporting vehicle theft as the first crime was ten times higher among males than among females; the percentage of violent crime (robbery and assault) was also higher among the male group. For example, while 15.4 percent of the males specified robbery or assault as the first criminal offense, only 6.0 percent of the females indicated one or the other as the first offense.

TABLE 3.—CRIMINAL HISTORIES

Criminal characteristics	Males (n=239)	Females (n=117)
Ever committed offense (percent)	99.6	98.3
Age at first crime (median)	15.1	15.9
First crime committed (percent):		
Robbery	7.9	3.4
Assault	7.5	2.6
Burglary	25.1	5.1
Vehicle theft	9.2	.9
Shoplifting	20.1	38.5
Other theft/larceny	11.7	6.9
Prostitution		18.8
Drug sales	10.0	12.8
Other/no data	8.1	9.3
Have arrest history (percent)	93.7	83.8
Age at first arrest (median)	17.2	18.3
Total arrests (median)	3.5	2.6
Ever incarcerated (percent)	81.2	62.4

Most of the heroin users studied here had arrest histories, but these typically began more than two years after the initiation of criminal activity (Table 3). Some 93.7 percent of the males reported having been arrested at least once, with the first arrest occurring at a median age of 17.2 years. Slightly fewer females (83.8 percent) had arrest histories, with the initiation into criminal justice processing beginning at a median age of 18.3 years. The data also indicate that the males had more frequent contacts with the criminal justice system (Table 3). The median number of arrests for the males was 3.5, with 81.2 percent having histories of incarceration. In contrast, the females reported a median of 2.6 arrests, with 62.4 percent having been incarcerated. Such differences might be explained by the younger age at which the males initiated their criminal activity and arrest histories, or by the slightly younger age of the female group. However, the expanded arrest figures below, reflecting the nature of the various arrests, may suggest the somewhat more serious, and hence more visible, nature of the males' criminal involvement. For example—

Nature of arrest	Median number of arrests	
	Males	Females
Crimes against property.....	1.6	0.5
Crimes against persons.....	.3	.2
Drug law violations.....	1.4	.8
Public order crimes.....	.2	1.1

While the male arrest data reflect a greater involvement in crimes against the person, property, or drug laws, the females were more often arrested for the less serious crimes against the public order, primarily prostitution. This would account for the higher rate of incarceration among the male group.

Patterns of drug use support

As indicated below, the heroin users reported a wide variety of sources of support for both their general economic needs and their drug use. For example—

Source of income	[In percent]	
	Males	Females
Family, friends.....	12.5	31.6
Legal employment.....	49.4	43.6
Public assistance.....	20.0	18.8
Criminal activity.....	97.4	94.9

While more than 90 percent of both groups relied upon criminal activity as a means of income, most had a second source of funds. However, some 98.7 percent of the males and 96.6 percent of the females reported some form of illegal activity during the twelve months before the interview, and more than 80 percent of this criminality was for drug use support (80.5 percent for males, 87.7 percent for females).

CURRENT CRIMINAL ACTIVITY

The data on current criminal activity clearly demonstrate not only that most of the heroin users were committing crimes, but also that they were doing so extensively and for the purpose of drug use support. Initially, some 98.7 percent of the males reported committing crimes during the twelve-month period prior to interviewer contact, with a median of 80.5 percent of such criminality undertaken for the purpose of supporting a drug habit.

As indicated in Table 4, the 239 male heroin users reported committing 80,644 criminal acts, averaging some 337 offenses per user. While this might be viewed as an astronomical sum, one must consider the relative proportions for each crime category. The violent crimes of robbery and assault, although reaching the considerable figure of almost 3,500, nevertheless represent only 4.3 percent of the total. Similarly, property crimes, while including some 17,846 thefts of various types, account for less than 25 percent of the total figure. On the other hand a clear majority of the crimes by male

heroin users were crimes without victims: Almost 60 percent of the criminal behavior reported here was drug sales, prostitution, gambling, and alcohol offenses, with an additional 8.1 percent of criminal activity involving the buying, selling, or receiving of stolen goods—a secondary level of criminality resulting, in most instances, from the users' initial involvement in property crimes.

TABLE 4.—CRIMINAL ACTIVITY DURING PAST 12 MO, 239 ACTIVE MALE HEROIN USERS

Crime	Total offenses	Percentage of total offenses	Percentage of sample involved	Percentage of offenses resulting in arrest
Robbery.....	3,328	4.1	46.9	0.3 (n=11)
Assault.....	170	<.2	20.9	.6 (n=1)
Burglary.....	4,093	5.1	69.0	.7 (n=30)
Vehicle theft.....	398	.5	22.6	.5 (n=2)
Theft from vehicle.....	877	1.1	29.3	.7 (n=6)
Shoplifting.....	9,685	12.0	59.4	.2 (n=15)
Pickpocketing.....	11	<.1	.8	
Prostitute theft.....	62	<.1	1.3	1.6 (n=1)
Other theft.....	1,009	1.3	35.1	.5 (n=5)
Forgery/counterfeiting.....	1,711	2.1	40.2	.4 (n=6)
Con games.....	1,267	1.6	30.1	
Stolen goods.....	6,527	8.1	59.4	<.1 (n=3)
Prostitution.....	2	<.1	.4	
Procurring.....	2,819	3.5	30.5	<.1 (n=1)
Drug sales.....	40,897	51.0	91.6	<.2 (n=93)
Arson.....	65	<.1	2.9	
Vandalism.....	58	<.1	8.8	1.7 (n=1)
Fraud.....	185	.2	12.1	1.1 (n=2)
Gambling.....	6,306	7.8	38.5	<.1 (n=3)
Extortion.....	648	.8	10.0	
Loan sharking.....	463	.5	13.0	
Alcohol offenses.....	58	<.1	6.3	10.3 (n=6)
All other.....	5	<.1	2.1	60.0 (n=3)
Total.....	80,644	100.0	100.0	.2 (n=189)
Mean number of offenses per subject.....	337			

These comments are not intended to minimize the amount of serious crime among heroin users. Rather, they emphasize that such criminality is more often victimless crime than predatory crime. On the other hand, these data also indicate that male heroin users have diverse criminal careers. Almost all (91.6 percent) were involved in the sale of drugs; almost half (46.9 percent) also engaged in robberies, 59.4 percent also engaged in shoplifting, and more than two-thirds (69.0 percent) were also burglars. It might also be added here that 42.7 percent of these subjects used weapons during the commission of all or some of their crimes, the usual weapon being a handgun.

Strikingly, the incidence of arrest among these 239 male heroin users was extremely low. Of the 80,644 reported crimes, only .2 percent ($n=189$) resulted in arrest. More specifically, consider the following ratios of crimes committed to ensuing arrests:

Crimes against persons.....	293:1
Crimes against property.....	273:1
Drug sales.....	440:1
Forgery/counterfeiting.....	285:1

In sum, considering all crime categories, one arrest occurred for every 427 crimes committed, with the highest proportion of arrests following alcohol offenses, fraud, vandalism and prostitutes' theft from clients; the lowest levels of arrest were in cases of extortion, loan sharking, prostitution and procuring, pickpocketing, con games, arson, and dealing in stolen goods.

The level of criminal involvement among the female heroin users was also high, but with a different pattern (see Table 5).

TABLE 5.—CRIMINAL ACTIVITY DURING PAST 12 MO, 117 ACTIVE FEMALE HEROIN USERS

Crime	Total offenses	Percentage of total offenses	Percentage of sample involved	Percentage of offenses resulting in arrest
Robbery.....	573	1.5	17.1	0.5(n=3)
Assault.....	26	<.1	7.7	11.5(n=3)
Burglary.....	185	.5	20.5	1.1(n=2)
Vehicle theft.....	5	<.1	1.7	
Theft from vehicle.....	182	.5	18.8	.5(n=1)
Shoplifting.....	5,171	13.8	70.1	.3(n=13)
Pickpocketing.....	162	.4	4.3	
Prostitute theft.....	1,345	3.6	51.3	
Other theft.....	182	.5	20.5	.5(n=1)
Forgery/counterfeiting.....	888	2.4	29.9	.3(n=3)
Con games.....	251	.7	17.1	
Stolen goods.....	1,006	2.7	36.8	<.1(n=4)
Prostitution.....	14,307	38.2	72.6	.3(n=37)
Procuring.....	1,153	3.1	23.1	
Drug sales.....	11,289	30.1	81.2	.2(n=23)
Arson.....	88	.2	3.4	
Vandalism.....	3	<.1	1.7	
Fraud.....	34	<.1	6.0	
Gambling.....	574	1.5	22.2	
Extortion.....	41	.1	4.3	
Loan sharking.....	1	<.1	.9	
Alcohol offenses.....	22	<.1	6.8	22.7(n=5)
All other.....	2	<.1	1.7	100.0(n=2)
Total.....	37,490	100.0	100.0	.3(n=97)
Mean number of offenses per subject.....	320			

Some 96.6 percent of the females reported the commission of crimes during the twelve months preceding the interview, with a median of 87.7 percent of the criminal activity engaged in to support a drug habit. The 117 female heroin users admitted responsibility for 37,490 crimes, with prostitution and drug sales accounting for more than two-thirds (68.3 percent) of the total. Like the males, the female group manifested considerable diversity in their offense behavior, with 81.2 percent admitting drug sales, 72.6 percent engaging in prostitution, 70.1 percent reporting shoplifting, and 51.3 percent indicating prostitute theft. Fewer females participated in crimes of violence, and, while many engaged in burglaries and other types of theft, such larceny was notably less frequent than among males. Females, however, tended to be arrested more frequently than males during this twelve-month study period, with a ratio of 1 arrest for every 387 crimes committed. The highest rates of arrest involved assaults and alcohol; most arrests were for pros-

titution and drug sales; no arrests resulted from 1,345 cases of prostitution theft; and the ratio of shoplifting crimes to arrests was 398:1 for the more than 5,000 cases.

Finally, fewer females used weapons during all or part of their offenses (18.8 percent), with the most common weapon being a knife rather than a gun.

DISCUSSION

These data suggest a number of considerations and implications relevant to the relationship between heroin use and crime, while at the same time indicating several areas for further research.

First, the data document a high incidence and diversity of criminal involvement among both male and female heroin users. The 356 persons studied here reported involvement in a total of 118,134 criminal offenses during a twelve-month period, most of these offenses committed for the purpose of supporting the economic needs of a drug-using career. Furthermore, while most of the criminal offenses were what are often referred to as victimless crimes, the 356 respondents were nevertheless responsible for some 27,464 instances of what the Federal Bureau of Investigation designates as index, or serious crimes.³ Numerous differences are apparent between males and females in this regard, with the males manifesting a greater involvement in predatory crime, especially violent predatory crime; however, the data also demonstrate that heroin users of both sexes manifest considerable participation in many different levels of criminal activity.

Second, it is evident in these data that arrest rates among heroin users are low. The 118,134 criminal events reported here resulted in a total of only 286 arrests, or a ratio of 1 arrest for every 413 crimes committed; with respect to the more serious index crimes, there was a ratio of 1 arrest for every 292 crimes. This low level of arrest is also apparent in the overall arrest histories of the subjects studied. Among the males, whose careers in crime spanned a median of 12.8 years, the median number of arrests was 3.5. Similarly, the median career in crime among the female heroin users was 11.0 years, and the median number of arrests was only 2.6.

Third, the data described here provide some information pertinent to the question about drug use and crime; namely, is crime a pre- or post-drug-use phenomenon? What the data suggest is that the question phrased in these terms is an oversimplification of a very complex phenomenon. By examining the median ages of initiation into various stages of substance abuse and criminal careers, the complexity becomes evident. For example—

	Males	Females
First alcohol use.....	12.8	13.8
First alcohol intoxication.....	13.3	13.9
First criminal activity.....	15.1	15.9
First drug abuse.....	15.2	15.2

³ The FBI index crimes include homicide, forcible rape, aggravated assault, robbery, burglary, larceny-theft, and motor vehicle theft.

	Males	Females
First marijuana use.....	15.5	15.4
First arrest.....	17.2	18.3
First barbiturate use.....	17.5	17.0
First heroin use.....	18.7	18.2
First continuous heroin use.....	19.2	18.4

Among the males, there seems to be a clear progression from alcohol to crime, to drug abuse, to arrest, and then to heroin use. But upon closer inspection, the pattern is not altogether clear. At one level, for example, criminal activity can be viewed as predating one's drug-using career, since the median point of the first crime is slightly below that of first drug abuse, and is considerably before the onset of heroin use. But, at the same time, if alcohol intoxication at a median age of 13.3 years were to be considered substance abuse, then crime is clearly a phenomenon that succeeds substance abuse. Among the females, the description is even more complex. In the population of female heroin users, criminal activity occurred after both alcohol and drug abuse and after marijuana use, but before involvement with the more debilitating barbiturates and heroin.

In summary, these preliminary data suggest that an alternative perspective for research on the link between drugs and crime may be in order. Although the findings here are descriptive of only one population, which could be unique, they suggest that the pursuit of some simple cause-and-effect relationship may be futile. It is clear that heroin users are involved extensively in crime, and that their involvement is largely for the purpose of supporting the desired level of drug intake. It is also clear that users' initiation into substance abuse and criminal activity occurs at a relatively early age. But there are several things that are not clear. Do substance abusers, for example, alter the nature, extent, and diversity of their criminal behaviors at the onset of marijuana use, at the onset of heroin use, or after their initial criminal justice processing? Do adolescent predatory criminals alter the nature and extent of their criminal involvement at various stages of drug abuse? Does drug abuse involve a shifting from primarily predatory crime to victimless crime? Does drug taking result in an increase or decrease in criminal activity? And finally, does a drug-taking career fix the criminal careers of adolescents who might otherwise shift into more law-abiding pursuits as they approach young adulthood? These questions can be answered only by turning away from existing notions about the drug/crime nexus, generating a more comprehensive data base, pinpointing the locations where drug use and crime are highest, and circumscribing total criminal involvement at all stages of drug-using and non-drug-using adolescent careers.

THE CRIMINALITY OF HEROIN ADDICTS WHEN ADDICTED AND WHEN OFF OPIATES

(By J. C. Ball, L. Rosen, J. A. Flueck and D. N. Nurco)

[Tables appear at end of article]

ABSTRACT

This study of 243 male opiate addicts has two broad objectives: (1) to ascertain the frequency and types of offenses committed by addicts during an 11 year period, while at risk, or "on the street"; (2) to compare criminality during addiction periods with criminality during periods off regular opiates.

It was found that these 243 addicts committed more than 473,738 offenses during their years at risk. The extent of their criminality was measured by the number of Crime-Days accumulated. A crime day is a 24 hour period during which one or more crimes is committed (not including drug use or drug possession). The mean number of crime-days-per year at risk per addict was 178.

With respect to criminal careers, it was found that 156 of the addicts were primarily engaged in theft, 45 were drug dealers and 36 were involved in assorted other crimes. For each of these groups, the extent of their criminality was markedly affected by their addiction status. Their average crime-days per year at risk when addicted was 248.0; when off regular opiates, it was 40.8. Thus, there was a six-fold increase in their frequency of crime when addicted.

A stepwise regression analysis revealed that criminality was correlated with demographic variables, but the dominant influence upon the extent of their crime was the amount of time addicted. In conclusion, the research significance and policy implications of these findings are reviewed.

INTRODUCTION

Overview of the research problem

There is rather general agreement among criminologists that an increase in criminality commonly occurs following the onset of heroin addiction in the United States (Chein et al., 1964; O'Donnell, 1966 and 1969; Ball and Snarr, 1969; Nash, 1973; Weissman et al., 1974; McGlothlin et al., 1978). Despite this overall consensus however, the dynamics of the relationship between opiate addiction and crime continues to be a matter of controversy. Among the questions which remain unresolved, three seem especially crucial: (1) What is the temporal sequence of events regarding the onset of heroin addiction and the commencement of criminal behavior? (2) What are the types and frequencies of crimes committed by heroin addicts? (3) What impact does post-onset periods of abstinence or subsequent periods of addiction have upon criminality?

Although answers to these questions will not solve the social problem of heroin addiction in the United States which currently involves 550,000 individuals (Federal Strategy, 1979), the answers could provide a means of unraveling one difficult aspect of the problem—that involving criminal behavior. An answer to the first

of these three questions is derived from a critical review of pertinent scientific reports. Answers to the second and third questions are provided by an analysis of the present research findings.

The issue of sequence reviewed

The issue of the temporal sequence of drug abuse and criminal behavior has been a topic of scientific concern for over 50 years. The reason for this interest has been primarily etiological—to determine which of these factors was the determining (or causal) one.

Most of the early investigators found little criminality before the onset of opiate addiction (Klob, 1925; Terry and Pellens, 1928; Pescor, 1943). Later studies, however, have shown a high probability of criminality preceding heroin addiction (Robins and Murphy, 1967; Jacoby et al., 1973; Chambers, 1974). Thus, Jacoby reports that 71 percent of heroin users in Philadelphia had a delinquency record prior to onset of their opiate use compared to 35 percent of all boys in the same city-wide age cohort who also had such records.

This difference in the sequence of events between the early and later studies suggests that there is no invariant relationship between heroin addiction and crime. Instead, it seems that the relationship is contingent upon the particular historical period and population of heroin addicts selected. Thus, if heroin is being introduced into a non-criminal or low-criminal population (e.g., medical professionals or middle-class adults) it would be highly unlikely to find criminality preceding heroin use. Conversely, higher levels of preexisting criminality among heroin addicts would be expected within a population with a high endemic crime rate (e.g., youthful lower class males in metropolitan slums). Support for this demographic and historical interpretation of the sequence issue is found in numerous studies of addict populations in which the sequence of onset of opiate use and the commencement of criminality differ. (See Ball and Chambers, 1970.)

It seems reasonable to conclude, therefore, that the issue of the sequence of unique events (first heroin use or a first act of delinquency) may be less significant than determining the continuing influences which sustain criminality and opiate addiction over a period of years or decades. This contention is supported by the fact that an initial onset experience of substance use (opiates marijuana, alcohol, tobacco, etc.) often does not lead to continued use and dependence and furthermore, that most citizens engage in one or more acts of delinquency during adolescence without becoming enmeshed in a criminal lifestyle.

Further conceptual impediments to crime-drug research

Before turning to consider the frequency and type of crimes committed by addicts and the impact of heroin addiction upon these crime rates, it is pertinent to comment upon several conceptual and methodological problems which confront researchers in this area.

Although there has been a notable increase in criminological research pertaining to heroin addiction in recent years which has produced a significant knowledge base, there still are unresolved

conceptual problems which tend to obscure the fundamental scientific issues and therefore, hamper the formulation of testable hypotheses and relevant research on this topic. Among the more pressing conceptual problems, four seem most apparent. These are (1) inappropriate use of a unitary factor causal model, (2) failure to distinguish between onset of deviance and its continuance as separate issues, (3) lack of cross-cultural and historical perspective, and (4) general neglect of abstinence periods in studying this relationship. Each of these conceptual issues will be discussed.

A pervasive conceptual problem which has seriously impeded the advancement of research with regard to the crime-drug relationship is use of a unitary causal model which posits that there is a single causal factor which will explain this relationship. Commonly, the researcher holds that heroin use "leads to" crime; or that crime "leads to" heroin use; or that both drug addiction and crime are caused by a single third factor. The belief that there is a single caused factor which will explain both crime and drug abuse appears to be a misapplication of the infectious disease model which seeks to identify a specific causal agent. But the concept of a single invariant causal agent is an inappropriate, and hence, fallacious, explanation for most human behavior. It is no longer meaningful to talk of the cause of crime, or the cause of drug use. There are various reasons why individuals engage in crime or become drug addicts.

A second conceptual problem involves the failure to distinguish between the onset of heroin use and the reasons for continuation of use over the years. These two phenomena are quite different. Thus the circumstances and influences which contributed to first use of heroin are quite different from those which support long-term addiction to heroin. And so it is with criminal behavior: a first illegal act is quite different from a criminal career.

A third conceptual problem has far-reaching implications, although it involves rather straightforward findings from cross-cultural and historical research. This involves the fact that crime and opiate use exist independently of one another. Consequently, it is apparent that heroin use does not always promote criminal behavior, nor crime always promote drug use. Rather, a cross-cultural and historical perspective substantiates the proposition that there may or may not be a relationship between opiate use and crime within a specified population and culture. (Ball, 1977).

A last conceptual point is that periods of abstinence from opiate addiction have been largely ignored in research, although the contrast between periods of addiction and abstinence (or lesser use) with respect to criminal behavior could significantly further our knowledge of this relationship. This omission may be due to a lingering notion that heroin addicts are seldom if ever off drugs except when incarcerated (which is untrue); or it may be that this research neglect is due to the difficulty of obtaining detailed data pertaining to periods of abstinence and addiction.

By way of recapitulation, it may be said that various conceptual problems have tended to hinder the formulation of specific research questions which could be investigated and resolved. The emphasis upon searching for universal relationships and developing

grandiose causal theories has impeded middle-range theories based upon verifiable empirical generalizations.

Measurement issues in crime-drug research

By and large, the most striking methodological weakness in contemporary research pertaining to the crime-heroin relationship is the lack of adequate measures of criminality. The measurement problems are easy to identify, but difficult to resolve.

Two measurement issues are of particular significance in the present context. First, it has been recognized that official records of crime are an inadequate measure of actual criminal behavior within most offender populations. This tends to be especially the case among persistent offenders. Thus, recent studies have reported that less than one percent of property offenses committed by drug abusers result in arrest. (Inciardi and Chambers, 1972; McGlohtlin et al., 1978). In addition to grossly underestimating the amount of crimes committed by opiate addicts, official records may also fail to provide a representative sample of the types of crimes committed.

Secondly, there is need for a measure of criminality which will enable analysis of actual crime-rates over an offender's career or lifetime. Thus, we would like to be able to measure criminal behavior on a yearly basis in order to surmount the middle-class bias of regarding crime as a unique or infrequent event. If addicts are committing hundreds of crimes a year per subject (as is the case in this study) it is not only inaccurate to depict this as being reflected by one or two arrests, but it is a gross distortion of a social reality. The research need, then, is to obtain a valid and meaningful measure of criminal behavior which will facilitate the computation of yearly rates.

In stating that there are special measurement needs in studying populations who are heavily involved in criminal behavior, it is pertinent to note that most criminological research and most studies pertaining to drug users are concerned with a few officially recorded crimes or a few minor acts of delinquency. As a consequence of this dominant focus upon populations with a low frequency of criminality, measurement problems encountered when studying populations with a high frequency of criminal events (e.g., 200 or more crimes per year) have been neglected. For example, high monthly or yearly offense rates may prove difficult to interpret and use in comparative analysis because of the confounding effect of these few high values upon sample statistics. Thus, if a few individuals commit a thousand or more offenses per year, this fact can easily distort other sample statistics unless appropriate measures are employed.

Indeed, it was precisely this problem which prompted the formulation of our crime-day measure, which will be discussed below.

Statement and development of the research problem

As noted previously, this study was planned to provide answers to two rather specific research questions: What are the types and frequencies of crimes committed by heroin addicts? What impact does post-onset periods of abstinence or subsequent periods of addiction have upon criminality?

In pursuing answers to these seemingly straight-forward research questions, we soon found ourselves involved in reviewing hundreds of interview schedules, devising new coding procedures and otherwise enmeshed in the complexities of criminological data analysis. Among the problems which we encountered were the following:

1. How should we handle multiple offenses committed on the same day? (If we count each act of theft—as in department store “boosting”—as a separate event, the large number obtained will not provide a meaningful basis for comparison).

2. How can we, or should we, differentiate among various types of felony offenses? (That is, given the extent of criminality in this sample, how can we classify their offenses in a meaningful way?)

3. How can drug offenses, “drug related” offenses and other offenses be differentiated? (At the onset, it was decided to delete drug use and possession offenses, but what about drug sales and property offenses? How should these be analyzed?)

4. What time period should be used in computing crime rates? (Monthly, yearly, or for their addiction career?)

5. Is it feasible to trace crime careers in terms of the predominant type of offense committed? (How can the addicts be classified according to their criminal way of life?)

6. How can periods of addiction and periods of regular opiate use be analyzed with respect to crime rates? (With no accepted procedure for computing rates and with the difficulty of combining, or otherwise ordering, addiction and abstinence periods, how could meaningful comparisons be effected?)

The above is a simplified and organized list of some of the measurement problems which confronted us at the beginning of the data analysis. In retrospect, it is evident that the difficulties were primarily due to a single methodological problem. An appropriate and efficacious measure of criminality was not available. What was needed was a measure that would: provide a feasible means of explaining crime in this population, be scientifically and statistically valid, and yet be reasonably simple to use and understand.

A new measure of criminal behavior: Crime-days per year at risk

In the present paper, a new measure of criminal behavior is described and employed in an on-going research project. The new measure has been termed Crime-Days Per Year at Risk. A crime-day is a 24-hour period in which an individual commits one or more crimes. The number of crime-days per year at risk refers to the number of days per year that an individual has committed crimes from 0 to 365.

This new measure, Crime-Day Per Year at Risk, is found to have unique analytical power as it permits the calculation of uniform crime rates by years at risk and it is not confounded by multiple crimes committed on a given day. Furthermore, the term Crime-Days Per Year at Risk appears to be an effective procedure for explaining and understanding the extent of serious criminal behavior because it relates the number of crimes committed by individuals to a common frame of reference—times per year. The discovery of the average crime-days per year concept was made by the senior

author while analyzing detailed life history data pertaining to heroin addicts as part of a follow-up study in Baltimore.

V. Definition of terms:

Crime-day.—A crime-day is defined as a 24-hour period during which one or more crimes is committed by a given individual. Each day of the year, then, is either a crime-day or a non-crime day.

Heroin addiction.—This term refers to the daily use of opiates. (Daily use or regular use, is defined as use during at least four days per week for a month, or longer; most were heroin users.)

Average crime-days per year.—This measure is defined as the average number of Crime-Day Per Year at Risk for a given individual. The range is from 0 to 365. Thus, an individual with 1,489 crime-days during a seven year risk period has an average Crime-Days Per Year at Risk of 213. (Actual computation is by days at risk and number of crime-days.)

Years at risk.—Years at Risk is the number of years an individual is "on the street" or not incarcerated. It is calculated on a cumulative basis by subtracting jail, prison, and hospital time from the years since onset of regular opiate use.

Principal type of crime.—This is the predominate type of crime engaged in by a given individual during his years at risk, as theft (boosting, burglary, etc.), con games, robbery, gambling, drug sales, etc. This principal type of criminal behavior is the most common offense committed from an actuarial viewpoint. It answers the question, what kind of crime does he usually commit? The crimes reported by our sample reflect a broad range of criminal behavior and include: larceny (pick-pocketing, shoplifting, unauthorized use, burglary), robbery, fencing, assault, con games, pimping, soliciting, gambling, rape, abortions, forging, drug dealing, murder, and loan sharking. Mere possession or use of drugs is not classified as a crime in this analysis.

Criminal career.—This is the criminal behavior pattern which an individual has followed while at risk. The two main elements in determining the crime pattern are (a) type of crime and (b) frequency of crime. Examples of crime patterns are: daily theft, daily con games, weekly robbery, weekly forgery, infrequent assault, and so forth. In each case, the crime pattern, or career, is the most common, or usual, offense committed during the subject's years at risk and the frequency of commission. Thus, a pattern of daily theft during a four-year period indicates that the individual had as his common offense theft of property and that this was carried on most of the time he was at risk. Since the crime pattern is derived for each person from his average-crime-days per year and the principal type of crime committed, the actual number and type of crimes is known in each case.

In order to obtain answers to the criminological questions advanced, the study was organized according to the following procedures: (1) A sample of 243 male opiate addicts was selected for study, (2) periods of addiction and periods of abstinence from opiate dependence were enumerated, (3) the number of crime-days per year at risk was determined for the sample, (4) the addicts were classified by principal type of criminal career pursued from onset of regular opiate use to interview, (5) the extent of crimes committed were analyzed by criminal career types controlled for addiction

and abstinence periods, (6) a correlation analysis of addiction, crime and demographic variables was undertaken, (7) a stepwise regression of addiction and abstinence periods was undertaken in order to determine the relationship of selected crime and demographic variables to each of these drug use statutes. In the remainder of the paper, these procedures will be described and the relevant research findings presented.

The sample and interview schedule

This paper is based on interview data obtained from 243 Baltimore opiate addicts (most were heroin addicts). The 243 male addicts were a random sample selected from a chronologically stratified list of 4,069 known opiate users arrested (or identified) by the Baltimore Police Department between 1952 and 1971. The sample was unselected for criminality, but stratified by race and chronological period. Of the 243 subjects, 109 were white and 134 were black. Analysis of race and cohort differences has been undertaken elsewhere (Nurco and DuPont, 1977).

The selection of the final sample of 243 was accomplished as follows. The initial sample drawn from the police files consisted of 349 individuals, but 57 of these had died by the time of followup interview, 2 were in mental hospitals (for psychosis), 6 were unlocated and 17 refused to participate in the study. Thus, 92 percent of the sample who were alive and not in mental institutions were interviewed (i.e., 267 of 290 subjects).

Of the 267 addicts who were interviewed, 14 claimed never to have been regular users of opiates, 3 used opiates regularly for only one or two months and the onset of one preceded everyone in the sample by 22 years; these 18 were excluded. In addition, a careful review of the remaining 249 cases revealed that 6 interviews had significant discrepancies between their self-reports and FBI records; these 6 were eliminated. (These six claimed no criminal behavior, but their arrest record listed two or more non-drug offenses.) The remaining sample consisted of 243 cases. The sample procedure and characteristics of the base population are described more fully elsewhere (Nurco et al., 1975).

Although comprehensive penal, hospital and other institutional data was collected with respect to the addict sample, the main source of data for the present analysis was obtained through personal interviews. Each of the 243 addicts was interviewed between July 1973 and July 1974 by specially trained interviewers who were familiar with the Baltimore addict subculture. The interview lasted some three hours and the questions were focused upon six topics: drug use, criminal behavior, work, living arrangements, drug selling and sources of income.

The interview schedule consisted of six parts: (1) Life-time prevalence of drug use by specific drugs of abuse (7 pages, completion time about 30 minutes); (2) History of opiate use by addicted and abstinent periods during risk years (3 pages, 30 minutes to complete); (3) Preadiction criminality and circumstances of onset of opiate use (7 pages; 30 minutes); (4) Circumstances of first regular use of opiates (i.e., daily use for a month or longer) and each subsequent addiction period. This part includes information on criminal-

ity for each period of regular opiate use or abstinence (10 minutes for each addiction period; 7 pages each); (5) Marital history, parental background, juvenile delinquency, military service, treatment history, incarceration history, criminal history (16 pages; 60 minutes to complete); (6) Interviewer's rating of respondent's attitude, appearance and overt responsiveness (1 page; 5 minutes).

The validity of the interview data has been the subject of a separate study (Bonito et al., 1976). The findings of this study substantiate the conclusions from prior research concerning the validity of interview data obtained from opiate addicts; namely that valid data can be obtained if specially trained interviewers who are familiar with the local addict subculture are employed.

III. The research findings—addiction and abstinence periods for 243 males:

The mean age of the 243 males at the time of interview was 35.9 years and 93 percent of the sample was between 25 and 49 years of age. Since onset of opiate addiction usually had occurred when the subjects were between 15 and 19 years, most of the sample had a post-onset career of 10 or more years (198 had 10 or more years, 37 had 5-9, and 8 had 2-4 years).

Since a major focus of the lengthy interview was to obtain detailed chronological data pertaining to addiction status from onset of regular opiate use to time of interview, each subject was asked to describe in detail his addiction, abstinent, and incarceration periods. For the entire sample, there were 2,340 time periods, 1,022 were addiction periods, 488 were abstinent periods, 700 were jail or prison time periods, 52 were hospitalization periods and 78 periods were unclassified because of insufficient data. (These few unknown periods were omitted from further analysis.) In the present paper, attention is directed toward the addiction and abstinent periods, as this was the time during which the subjects were at risk.

All subjects had one or more addiction periods. The average length of an addiction period was found to be two years, although longer periods, were common. Each subject was asked about his daily and weekly use of specific drugs during each period (dosage, multiple use, times used per day or week). In this manner, each subject's years, months and days at risk was classified as addicted to or abstinent from opiates.

The total amount of time that this Baltimore male sample spent addicted to opiate drugs since onset of regular opiate use was 61.6 percent of their risk years; they were off regular opiates 38.4 percent of their risk years. Since their average years at risk was 11.3, they were addicted to opiates almost two-thirds of the time, and abstinent somewhat over a third of the time (Figure 1). Two further points are pertinent about their abstinence periods. First, with regard to the abstinence from regular opiate use classification. This status included periods of occasional use of opiates as well as periods of frequent use of non-opiate drugs. Second, it is significant that 85 percent of the sample had such abstinence periods.

Lifetime criminality since onset of opiate addiction

Although periods of addiction or abstinence during the years at risk provided the chronological frame of reference for the inter-

view, additional detailed data was obtained for each period concerning criminal behavior, employment, income, family life and other variables. With respect to criminality, each subject was asked about the number and type of crimes he committed on a weekly and daily basis for each addiction or abstinent period. These responses provided the basis for determining the number of crime-days, the principal type of crime and crime and criminal career pattern for each subject.

The total number of crime-days during the risk years for the 243 addicts is tabulated in Table 1. The range in crime-days within the sample was from 0 to 9,450. That is, from no crimes committed by six addicts to 9,450 crime-days accumulated by one addict during his risk years.

The total number of crime-days amassed by these 243 addicts during their years at risk was 473,738. This total is an underenumeration of the total number of crimes committed as multiple crimes during a crime-day were common. It is also pertinent to note that most of the crimes reported were for theft and that drug use or possession was not classified as a crime.

The mean number of crime-days per addict during their years at risk was 1,998.9. Thus, the majority of these addicts were deeply enmeshed in a criminal way of life. There were, however, important differences in their patterns of criminal behavior as well as their frequency of committing crimes. In order to control for years at risk, crime-days were computed for each person by years at risk (Table 2). The mean number of crime-days per year at risk for the sample was 178.5. Thus, the total amount of time that these Baltimore addicts spent engaged in daily criminal behavior since their onset of addiction was almost half of their risk years. To be exact, they were committing crimes on a daily basis during 47.7 percent of their years at risk (Figure 2).

Criminal careers of the 243 addicts

Each of the 243 addicts were classified as to the common criminal career which he had followed since onset of regular opiate use. These criminal career types were determined on the basis of the principal, or most common, type of crime committed, and secondly, on the frequency of commission—whether daily, weekly or less often. Six of the 243 addicts had committed no crimes during their risk period.

It was found that the 237 addicts who had committed crimes could be classified into nine types of criminal careers. These nine were: daily theft, daily drug sales, other daily crime; weekly theft, weekly drug sales, weekly other crimes; infrequent theft, infrequent sales and infrequent other crimes (Table 5). Some two-thirds of the 237 addicts had theft as their principal type of crime. Of these 156 who were career thieves, 41 engaged in daily theft during their year at risk, 58 engaged in weekly theft and 57 in infrequent theft.

The selling of drugs was the second most favored type of crime committed by these addicts; 45 were principally engaged in selling drugs, or "dealing". Of the 45 dealers, 13 pursued this crime on a daily basis, 18 on a weekly basis and 14 on an infrequent basis.

The remainder of the sample were engaged in committing other types of crimes on a daily, weekly or infrequent basis. Of these 36, only 7 were engaged in daily crime, 7 in weekly crime and 22 in infrequent crimes. Confidence games, forgery, gambling and procuring (pimping) were the principal types of crime committed by these 36 addicts.

The classification of the sample into nine criminal career types somewhat obscures the fact that many addicts engaged in more than one type of crime during their years at risk. This situation is especially notable with regard to the 61 addicts who were daily criminals. Thus, 55 of the 61 had engaged in theft during their years at risk and 43 had engaged in some dealing, although only 13 had this as their principal daily criminal activity. In addition to theft and dealing—the two most common types of crime—33 of the 61 had engaged in other crimes, such as forgery, gambling, confidence games, robbery and pimping. The complete list of all crimes reported by these daily criminals during their years on the street is: theft (this includes shoplifting; "cracking shorts", burglary and other forms of stealing), dealing, forgery, gambling, confidence games (flim-flam, etc.), pimping, assault, mugging, robbery, armed robbery, and abortionist. Lastly, although most of the 61 criminals engaged in more than one type of crime during their years on the street, there still was a marked tendency to focus upon one main, or principal type of crime—(especially theft or dealing). Furthermore, 11 of these 61 males confined themselves exclusively to one type of crime during their years at risk (8 only committed theft, one only sold drugs, one was a confidence man and one a gambler).

The impact of addiction upon criminal careers

The extent of criminality among all nine career types was affected by their addiction status. Thus, there was an overall sixfold increase in the number of crime-days per year at risk during addiction as contrasted with the abstinent periods (Table 5). Rather surprisingly, the proportionate increase in crime-days per year at risk when addicted vs. when abstinent was most marked among the criminals who engage in weekly or monthly offenses. Thus, for 5 of these 6 career types (weekly theft, weekly dealing and the three infrequent types) the extent of criminality increased more than ten times the non-addicted rate. The greatest increase was for the 22 subjects who committed other crimes on a monthly basis—from 2.3 crime-days per year to 108.2 crime-days per year.

Although the extent of criminality within this addict sample was notably increased when the subjects were addicted to opiate drugs, the non-addicted crime rate was still quite high. As might be expected, the highest crime rates when not addicted were found among the three criminal career types who had the highest crime rate when addicted (daily theft, daily sales and daily other crimes). In these three career types, the addicts committed crimes from one to three days per week when not addicted (for these three groups, the rates per year at risk were 109.7, 88.3 and 151.0). In considering the rates of criminality for the nine career types when abstinent from opiates, it seems significant that these nine rates vary more (from 2.3 to 151.0) than do the rate when these same subjects are

addicted. In a sense then, one effect of opiate addiction is to raise the number of crimes committed to a threshold, or support, level, and this occurs for all nine career types. Thus, when addicted, 7 of the 9 career types commit more than 260 crimes per year and none of the nine career groups fall below 100 crime-days per year at risk.

Correlation of addiction, crime and demographic variables

In order to investigate the relationship of specific addiction, crime and demographic variables, a correlation analysis of ten variables was undertaken. These ten were: (1) Total number of crime-days accumulated during years at risk (Total CD); (2) Total number of crime-days accumulated while addicted during years at risk (CD-H); (3) Total number of crime-days accumulated while not addicted during years at risk (CD-Off); (4) Total number of days addicted during years at risk (H-days); (5) Total number of days not addicted during years at risk (off-days); (6) Total number of officially recorded arrests during years at risk (Arrests); (7) Crime committed after age 17, but prior to onset of addiction; by self-report. Coded as a dichotomy: 1. Yes, 2 No. (Prior Crime); (8) Race; 1. White, 2. Black; (9) Age at onset of opiate addiction (Onset Age); and (10) Age at time of interview (Age at interview, or Age).

The correlation matrix of Table 4 provides an initial delineation of the relationship among these three sets of variables (i.e., addiction, crime and demographic). The first column, total crime-days (variable 1), indicates the overall relationship of criminality to addiction and other variables, but the interpretation of several of these Column 1 correlations is ambiguous due to the distinct effect of addiction vs. non-addiction status. This uniqueness of the two addiction statuses is evident in a comparison of column 2 with column 3. Thus, total crime-days when addicted (variable 2) is significantly correlated with all seven variables: H-days, off-days, arrests, prior crime, race, onset age and age at interview, but not significantly correlated with total crime-days-off (variable 3). Furthermore, total crime-days-off is not significantly correlated with any of these same seven variables (4 through 10). Also underscoring the distinctiveness of the two periods is the absence of correlation between them (i.e., R of minus 0056 between variables 2 and 3) which indicate that the frequency of crime committed during addiction and off-periods are independent of one another. Thus, the amount of crime committed during addiction periods does not predict the amount of crime committed while off opiates; consequently, a "heroin day" is a very different kind of day from an "off-day" insofar as crime is concerned.

With respect to criminal history and demographic variables, these are both correlated with total crime-days and crime-days-H, but as noted not with crime-days off. Specifically, the total number of arrests since onset of addiction is positively correlated with variables 1 and 2. The correlation of arrests with crime-days-H is (.3073). Variable 7, prior crime, is also positively associated with CD-H, but this measure of early criminality poses difficulties with respect to interpretation because it is affected by early onset and prior juvenile delinquency; nonetheless, it is included in the

present analysis as it does measure prior criminality to some extent.

Race (black) is positively correlated with crime-days-H, but again, not with crime-days off. Age at onset of opiate addiction (Variable 9, Table 4) is negatively correlated with crime-days-H and crime-days-off, although the latter correlation ($-.1221$) is not significant. The finding that early age at onset of addiction is correlated with a higher frequency of later criminality is a consistent finding of this study. The moderate positive correlation of age at interview with crime-days-H (.2130) indicates that age (and time at risk) have some relationship to crime-days, but that this issue requires further analysis.

In considering time at risk, or "street" time, it might appear that the high positive correlation between H-days and crime-days-H (.7914) is to be expected because both of these measures are affected by the amount of time at risk. But considerably more is operating here than time at risk. For if time at risk were the principal influence, then, the two correlations (off-days and CD-off; and H-days with CD-H) would be about equal in value. But the marked difference between those two correlations (.1567 vs. .7914) indicates that other influences are operating during the addiction periods as contrasted with the off periods. Furthermore, a partial correlation analysis controlling for age at interview revealed that the relationship between crime and number of days for both the on and off periods was similar to the zero-order values. Thus, for the on periods, a partial value of .7907 was obtained (compared with a zero order value of .7914) and, for the off periods, a partial value of .1817 (compared with .1567). These results indicate that age and time at risk are not the principal influences which determine the number of crime-days accumulated by these 237 addicts.

Stepwise regression analysis of addiction and abstinence periods

Thus far, it has been found that: (1) The frequency of crime is strongly related to the amount of addiction time, and (2) That the addiction and non-addiction (or abstinence) periods are quite distinct experiential periods which require separate analysis. In order to investigate these two major findings with greater precision and analytic power, a stepwise regression analysis of the addiction and abstinence period was undertaken for the 237 male addicts. In this analysis, relevant variables from the correlation matrix are employed.

The stepwise regression analysis of crime-days accumulated while these 237 addicts were addicted yields results which are quite striking (Table 5). Thus, there is strong positive correlation between the number of days addicted and the number of crime-days (.7914). This single variable (H-days) accounts for 63 percent of the variance in criminality during the addiction periods. Two of the remaining variables account for a small additional proportion of the variance; these are age at interview and number of arrests, both positively correlated with crime-days-H.

The stepwise regression analysis of crime-days accumulated during off-periods reveals results which are quite different from those of the addiction periods. With respect to criminality during

the off-periods (as measured by crime-days off), only two of the seven variables are significantly correlated (Table 5). The first of these off-days is only weakly correlated with crime-days-off (+.1567). The second variable to enter, age at onset, is negatively correlated with CD-off indicating the consistent relationship between early age of addiction onset and criminality previously noted. The remaining five variables are not significantly correlated with crime-days while off. Of special interest is the lack of correlation between crime-days-off and H-days. Thus, the amount of crime committed by these heroin addicts while they were not addicted is independent of the amount of their addiction time. This analysis of criminality while not addicted to heroin reveals then, only small variance accounted for by the variables studied. In this sense, the findings are similar to those of most criminological research which shows modest correlations between crime and independent variables.

Stepwise regression analysis of criminality for the three career groups

Inasmuch as the frequency of crime was found to be related to the criminal careers of these 237 addicts, it was deemed necessary to undertake a separate stepwise regression analysis for each of the three major offender groups: those primarily engaged in theft of property, those who were drug sellers and those engaged in other types of crimes (Tables 6-8).

Perusal of the three tables reveals that the number of days that the subjects were addicted is the single most important influence upon their criminality during the addiction periods. In this regard, the strongest effect was for the dealers and the weakest effect for the other crimes group. The remaining variables added little to the explained variance for the theft and dealer groups, but were more important for the other crime group. The total variance explained in all three groups was high (i.e., 67.7 percent, 73.7 percent, and 61.4 percent).

The three offender groups were also quite similar with respect to criminality during the off-periods, in that substantially less of the variances was accounted for by the variables studied. Thus, for the 156 offenders engaged in theft, the 45 dealers and the 36 involved in other crimes, only from 10 to 25 percent of the variance was accounted for during the off-periods.

To recapitulate, these findings suggest that the theft group and the dealers are fairly similar in that their criminality is primarily affected by their drug addiction. During the abstinence period, however, their frequency of crime is not highly explicable by the set of variables investigated in this study. But when daily heroin use takes hold, they turn to crime (by theft or dealing) to acquire sufficient resources to support their daily habit.

The "other" group emerges as a somewhat unique group. Although the impact of daily heroin use is strong. It does not seem to have the same overwhelming effect as it does with the other two groups. Consequently, these 36 individuals have a frequency of criminality that is somewhat more predictable during the non-addiction periods, as indicated by the relatively high R of .5034.

While addiction seems to be a factor that definitely increases their crime, at the same time, other factors continue to be of consequence in both the addiction and abstinence periods.

Review and interpretation of the research findings

In reviewing the research findings of this study, attention will first be directed toward the significance of addiction and non-addiction periods. Then, the frequency, magnitude and persistence of offenses committed by these 243 addicts will be considered along with the types of crimes committed during their years at risk. Next, the correlation and stepwise regression analysis will be reviewed. This will be followed by an appraisal of the new measure of criminality utilized in this research—crime days per year at risk. Lastly, the broader implications of this study with respect to the control of crime committed by opiate addicts in the United States will be addressed.

It was found that these 243 addicts spent two-thirds of their time addicted to opiates and one-third not addicted. The time under study was their years at risk, or "street" time, and this averaged 11 years per addict from onset of addiction to time of interview. The fact that addiction was not a continuous state of drug dependency seemed significant. For it indicated that there were considerable periods during which changes in the addict's lifestyle might occur, and in fact, it was found that these periods of abstention (or lesser use) did have important consequences. In particular, it was found that criminality decreased markedly during the months or years that these addicts were not dependent upon heroin and other opiates. The decrease was striking—an 84 percent decline in the crime rate.

One of the major findings of this study was that heroin addicts commit a staggering amount of crime and that this continues fairly much on a daily basis for years and decades. Before turning to an analysis of differences in crime-rates by addiction status and other factors, it is meaningful to note the overall amount of crime which these 237 males have committed.

The research findings presented in Table 1 show that the average addict has committed one or more crimes during some 2,000 days. Taken together, these 237 male opiate addicts have been responsible for committing more than 500,000 crimes during an eleven year risk period. The exact figure is 473,738 crime days, but this does not include multiple offenses committed on a given day, so the figure of 500,000 crimes is an underestimate. In this regard, it should be noted that theft was the principal type of crime committed and that drug use or possession were not themselves, classified as crimes.

This high frequency of criminality among opiate addicts is similar to that which has been reported by other investigators. Thus, Inciardi and Chambers (1972: 59) found that 26 addicts on the street were responsible on a daily basis for 22 major crimes. In a recent larger study, Inciardi found that 239 active male heroin users committed 80,644 offenses during a 12-month period (Inciardi, 1979). These latter results from addicts in Miami are remarkably

similar to the present findings from Baltimore, both with respect to frequency and types of crime committed.

In the present study, it was found that the addicts could conveniently be classified into three major offender types—theft, drug sales and other crimes—on the basis of the crimes which they usually engaged in during their years at risk. This classification proved to be feasible after the concept and measure of crime-days was developed and it was found that criminal careers for most of the addicts were relatively stable. Thus, 156 addicts were found to be primarily engaged in theft, 45 in drug sales and 36 in other types of crime.

The measure of average crime-days per year at risk was introduced and employed to determine the frequency of offenses per year for each of the 237 addicts during all of their years at risk. It was found that the mean number of crime-days per year for the 237 addicts was 178.5. But, many addicts had more or fewer crime-days for each year at risk. Indeed, the distribution presented in Table 2 indicates that 9.5 percent of the addicts were engaged in crime virtually every day of their lives since they began regular opiate use. Conversely, there were 6 addicts who reported that they had not been engaged in crime at all during their years at risk. But most of the addicts were consistently engaged in a rather high level of crime during their years at risk; two-thirds had from 100 to 365 crime-days per year for all of their years at risk.

A second major finding of the study was that addiction status had a marked influence upon criminality among these males. Thus, it was found that the number of offenses increased sixfold when these subjects were addicted. And significantly, this increase occurred for all nine offender types (Table 3). Thus, when abstinent, the average crime-days per year varied from 2.3 to 151.0, with an average of 40.8. By contrast, when addicted the rate was always over 100 crime-days per year and commonly over 250 crime-days per year at risk.

These research findings pertaining to the impact of addiction upon criminality were surprising and unexpected. Thus, we did not expect this marked increase, given the known involvement of this population in crime. Or, conversely, one might say that we were unprepared for the decrease which occurred when addiction ceased.

These findings concerning markedly different crime-rates when addicted and when off regular opiates led to a correlational analysis of these data. In this analysis, it was observed that the amount of crime committed during addiction periods was largely a function of opiate use, specifically of the time spent addicted. But unexpectedly, it was also found that the amount of crime committed when addicted was unrelated to that committed when off opiates. Thus, it may be held that this analysis provides an explanation for high crime rates during addiction, but provides a much less adequate account of criminality during the non-addiction periods. Although comparatively infrequent, criminality during these off periods deserves further investigation.

The stepwise regression analysis revealed that the impact of addiction upon criminality is pervasive and long-lasting. Thus, addiction was the principal force which increased criminality, regardless of the type of crime pursued. And this relationship between opiate

addiction and criminality was not a transitory phenomenon, but an enduring relationship which obtained during an 11-year risk period.

Before turning to discuss the implications of this study, it is pertinent to comment upon the usefulness of the crime-days measure. In this study of subjects with an extensive history of criminality (which involved the computation of offense rates over a decade and more), the introduction of crime-days and crime-days per year at risk was exceedingly efficacious. Indeed, it seems reasonable to conclude that this study could hardly have been completed without the use of a crime-days measure (or a similar measure). For it was found that this measure—crime-days per year at risk—made it possible to compute meaningful and valid rates. It was not only that the rates were appropriate for the data on hand, but the concept of a crime-day proved to have a meaning which facilitated analysis and interpretation of the complex criminal history material.

Extensive criminality among addicts—Implications

The findings of this study concerning the extensive criminality of contemporary opiate addicts in the United States supports similar findings from other research. It is now evident that addicts are responsible for committing an inordinate amount of crime, that many of these offense are serious in nature and that their criminality is rather firmly enmeshed in their lifestyle and therefore, that it is persistent and recurring.

But, this study adds one new ingredient to the picture. For our research findings indicate that it is opiate use itself which is the principal cause of high crime-rates among addicts. Once addiction ceases, crime rates drop markedly. And this notable decrease in criminality (an overall 84 percent decline) occurs for all types of offenders throughout the risk years. It is apparent, then, that a major means of reducing the amount of crime committed by opiate addicts is within sight. If we can control addiction, it is evident that we will reduce criminality appreciably.

But how can we impact opiate addiction? Three lines of attack come to mind. First, it is imperative that programmatic and research priorities be established which will further this specific objective—to impact addiction among persistent offender groups. These two aspects—programs and related research—must be a core component of any major national effort. For research without implementation can hardly be effective. And action programs not based upon relevant scientific knowledge are doomed to failure. Indeed, they cannot succeed for logical reasons, as only research can establish success or failure. Therefore, a first priority is to recognize that a major coordinated effort is required which will focus upon this single task.

Second, three or four well designed experimental programs need to be established to reach or impact specific offender populations. These experimental programs should make use of relevant knowledge concerning ongoing programs—such as TASC, methadone maintenance, family therapy and intensive probation efforts—yet be based upon new concepts and new research findings. In this last regard, it is imperative that these new programs be targeted to

reach a specific offender population (as contrasted with programs which attempt to serve everyone without regard to need or likelihood of success), and employs means which have either a demonstrated association with the reduction of addiction or a well developed rationale for effecting this objective.

Finally, it may not be taken amiss if it be suggested that it is time to get on with the task at hand, and not be sidetracked by irrelevant ideological, scholastic or methodological arguments. Thus, while it is true that drug abuse may be difficult to define, that alcohol abuse is also a major social problem, that penalties for marihuana use are inconsistent, and that, in fact, there are many unresolved problems and difficulties in conducting research (especially if one seeks perfection and closure). Still, it is also true that existing knowledge and methodology is sufficient to address the problem at hand. We know that criminality is rampant among heroin addicts. We know that addiction markedly increases this criminality. And, we know that addiction can be impacted through treatment and control measures.

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TABLE 1.—TOTAL CRIME-DAYS AMASSED BY 243 MALE ADDICTS DURING YEARS AT RISK

Crime-days	Number of addicts	Percent of addicts
0 (none)	6	2.5
1 to 99	20	8.2
100 to 499	31	12.8
500 to 999	31	12.8
1,000 to 1,999	54	22.2
2,000 to 2,999	46	18.9
3,000 to 3,999	27	11.1
4,000 to 4,999	12	4.9

TABLE 1.—TOTAL CRIME-DAYS AMASSED BY 243 MALE ADDICTS DURING YEARS AT RISK—
Continued

Crime-days	Number of addicts	Percent of addicts
5,000 to 5,999.....	10	4.1
6,000 to 9,450.....	6	2.5
Total.....	243	100.0

Note: Total crime-days since onset of addiction: 473,738. Mean crime-days per addict: 1,998.9.

TABLE 2.—CRIME-DAYS PER YEAR AT RISK FOR 243 MALE ADDICTS

Crime-days per year at risk	Number of addicts	Percent of addicts
No crime-days.....	6	2.5
Less than 1 per year.....	11	4.5
1 to 49.....	35	14.4
50 to 99.....	26	10.7
100 to 149.....	31	12.8
150 to 199.....	32	13.2
200 to 249.....	25	10.3
250 to 299.....	26	10.7
300 to 349.....	28	11.5
350 to 365.....	23	9.5
Total.....	243	100.0

Note: Mean crime-days per year at risk: 178.5.

TABLE 3.—CRIME-DAYS PER YEAR AT RISK BY TYPE OF CRIMINAL CAREER AND ADDICTION STATUS

Crime career type	Number of addicts	Crime-days per year at risk	Crime-days per year at risk	
			Addicted	Abstinent
1. Theft, daily.....	41	330.3	347.3	109.7
2. Sale of drugs, daily.....	13	328.0	353.2	88.3
3. Other crimes, daily.....	7	319.4	341.4	151.0
4. Weekly theft.....	58	189.6	280.9	23.3
5. Weekly sale of drugs.....	18	181.1	284.0	27.6
6. Weekly, other crimes.....	7	201.9	298.0	70.1
7. Infrequent theft.....	57	72.4	140.7	7.4
8. Infrequent sales.....	14	102.4	260.9	10.5
9. Infrequent, other crimes.....	22	46.8	108.2	2.3
No crime.....	6			
Total.....	243	178.5	248.0	40.8

TABLE 4.—CORRELATION MATRIX FOR 10 VARIABLES, FOR 237 MALE ADDICTS

Variable	Total Cd	CD-H	CD-off	H-days	Off-days	Arrests	Prior	Race	Onset	Age
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. Total crime-days	(¹)									
2. Crime-days-heroin	1.9510	(¹)								
3. Crime-days-off	1.3038	-0.0056	(¹)							
4. Heroin days	1.7303	1.7914	-0.0768	(¹)						
5. Off days	1.1958	1.2563	1.567	1.2200	(¹)					
6. Total arrests	1.3191	1.3073	1.0652	1.2999	-0.1488	(¹)				
7. Prior crime	1.1493	1.1796	-0.0706	1.2875	0.0171	-0.0348	(¹)			
8. Race (black)	1.2585	1.2712	0.0003	1.2793	1.2105	0.0969	0.0966	(¹)		
9. Onset age	1.2564	1.2295	-0.1221	1.1954	0.0518	-0.1362	-0.0160	0.0596	(¹)	
10. Age at interview	1.1859	1.2130	-0.0551	1.4124	1.2978	1.2464	1.1278	1.2023	1.05101	(¹)

¹ Values where $P < 0.01$.

TABLE 5.—STEPWISE REGRESSION ANALYSIS OF CRIMINALITY FOR ADDICTION AND ABSTINENCE PERIODS AMONG 237 ADDICTS

Variable	r	Prob. to enter	R ²	R ² change	Multiple R
A. Dependent variable: Crime days heroin:					
1. Days H	0.7914	<0.001	0.6264	0.6264	0.7914
2. Age at interview	.2130	.002	.6419	.0155	.8012
3. Arrests	.3073	.019	.6503	.0084	.8084
4. Race	.2712	.904	.6545	.0042	.8090
5. Prior crime	.7196	.329	.6659	.0014	.8099
6. Age at onset	-.2295	.495	.6566	.0007	.8103
7. Days off	-.2563	.717	.6568	.0002	.8105
B. Dependent variable: Crime days off:					
1. Days off	.1567	.016	.0246	.0246	.1567
2. Age at onset	-.1221	.043	.0416	.0170	.2039
3. Arrests	.0852	.144	.0503	.0088	.2243
4. Age at interview	-.0551	.129	.0597	.0094	.2444
5. Race	.0003	.295	.0642	.0045	.2533
6. Prior crime	-.0706	.364	.0675	.0034	.2599
7. Days H	-.0768	.627	.0685	.0010	.2617

TABLE 6.—STEPWISE REGRESSION ANALYSIS OF CRIMINALITY FOR 156 ADDICTS ENGAGED IN THEFT

Variable	r	Prob. to enter	R ²	R ² change	Multiple R
A. Dependent variable: Crime days heroin:					
1. Days H	0.8046	<0.001	0.6473	0.6473	0.8045
2. Age at interview	.2825	.011	.6620	.0147	.8136
3. Race	.2570	.081	.6688	.0067	.8178
4. Arrests	.3219	.141	.6735	.0047	.8207
5. Prior crime	.1595	.359	.6736	.0018	.8218
6. Age at onset	-.2119	.417	.6768	.0014	.8227
B. Dependent variable: Crime days off:					
1. Days off	.2537	.001	.0644	.0644	.2537
2. Prior crime	-.1087	.167	.0760	.0116	.2757
3. Age at onset	-.1202	.195	.0862	.0102	.2936
4. Race	.0071	.264	.0938	.0076	.3062
5. Days H	-.1175	.260	.1014	.0077	.3185
6. Arrests	-.0001	.609	.1030	.0016	.3209
7. Age at interview	-.0591	.615	.1045	.0015	.3233

TABLE 7.—STEPWISE REGRESSION OF CRIMINALITY FOR 45 ADDICTS ENGAGED IN DRUG SALES (DEALING)

Variable	r	Prob. to enter	R ²	R ² change	Multiple R
A. Dependent variable: Crime days heroin:					
1. Days H	0.8414	<0.001	0.7080	0.7080	0.8414
2. Prior crime	.1252	.185	.7201	.0121	.8486
3. Onset age	-.1244	.230	.7299	.0098	.8543
4. Days off	-.1734	.440	.7339	.0041	.8567
5. Arrests	.1523	.667	.7352	.0013	.8574
6. Age at interview	.4073	.709	.7362	.0010	.8580
7. Race	.3633	.694	.7373	.0011	.8587
B. Dependent variable: Crime days off:					
1. Arrests	.3251	.029	.1057	.1057	.3251
2. Age at interview	-.0699	.353	.1241	.1084	.3522
3. Onset age	-.1724	.682	.1277	.0036	.3573
4. Days H	-.0938	.530	.1364	.0087	.3692
5. Age removed	-.0699	.979	.1363	<.0001	.3692

TABLE 7.—STEPWISE REGRESSION OF CRIMINALITY FOR 45 ADDICTS ENGAGED IN DRUG SALES (DEALING)—Continued

Variable	r	Prob. to enter	R ²	R ² change	Multiple R
6. Race	.0550	.442	.1492	.0129	.3862

TABLE 8.—STEPWISE REGRESSION OF CRIMINALITY FOR 36 ADDICTS ENGAGED IN OTHER CRIMES

Variable	r	Prob. to enter	R ²	R ² change	Multiple R
A. Dependent variable: Crime days heroin:					
1. Days H	0.6675	< 0.001	0.4455	0.4455	0.6675
2. Arrests	.4683	.027	.5229	.0774	.7231
3. Age at interview	-.0551	.066	.5714	.0486	.7559
4. Prior crime	.3597	.278	.5876	.0162	.7666
5. Race	.2969	.310	.6018	.0141	.7757
6. Days off	-.2637	.700	.6038	.0021	.7771
7. Onset age	-.3219	.406	.6137	.0098	.7834
B. Dependent variable: Crime days off:					
1. Arrests	.4191	.011	.1756	.1756	.4191
2. Age at interview	-.0552	.410	.1926	.0170	.4389
3. Days off	-.0197	.237	.2277	.0351	.4772
4. Prior crime	.0857	.466	.2410	.0133	.4910
5. Onset age	-.1330	.553	.2500	.0090	.5000
6. Days H	.0827	.721	.2534	.0034	.5034

Calendar No. 359

98TH CONGRESS
1ST SESSION**S. 1787**

To establish an Office of the Director of National and International Drug
Operations and Policy.

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, AUGUST 1), 1983

Mr. BIDEN (for himself, Mr. DeCONCINI, Mr. PELL, Mr. KENNEDY, Mr. METTENBAUM, Mr. LEAHY, Mr. BAUCUS, Mr. CHILES, Mr. NUNN, Mr. ZORINSKY, Mr. SASSER, Mr. RANDOLPH, Mr. BURDICK, Mr. HOLLINGS, Mr. HEINE, Mrs. HAWKINS, Mr. CRANSTON, Mr. MOYNIHAN, and Mr. EAGLETON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 4 (legislative day, AUGUST 1), 1983

Reported by Mr. BIDEN, without amendment

A BILL

To establish an Office of the Director of National and
International Drug Operations and Policy.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Narcotics Act of
4 1983".

1 SEC. 2. (a) The Congress hereby makes the following
2 findings:

3 (1) The flow of illegal narcotics into the United
4 States is a major and growing problem.

5 (2) The problem of illegal drug activity falls
6 across the entire spectrum of Federal activities both
7 nationally and internationally.

8 (3) Illegal drug trafficking is estimated by the
9 General Accounting Office to be a \$80,000,000,000 a
10 year industry in the United States.

11 (4) The annual consumption of heroin in the
12 United States is in the range of four metric tons, and
13 annual domestic consumption of cocaine is estimated to
14 be forty to forty-eight metric tons.

15 (5) Despite the efforts of the United States Gov-
16 ernment and other nations, the mechanisms for smug-
17 gling opium and other hard drugs into the United
18 States remain virtually intact and United States agen-
19 cies estimate that they are able to interdict no more
20 than 5 to 15 per centum of all hard drugs flowing into
21 the country.

22 (6) Such significant indicators of the drug problem
23 as drug-related deaths, emergency room visits, hospital
24 admissions due to drug-related incidents, and addiction
25 rates are soaring.

1 (7) Increased drug trafficking is strongly linked to
2 violent, addiction-related crime and recent studies have
3 shown that over 90 per centum of heroin users rely
4 upon criminal activity as a means of income.

5 (8) Much of the drug trafficking is handled by syn-
6 dicates which results in increased violence and criminal
7 activity because of the competitive struggle for control
8 of the domestic drug market.

9 (9) Controlling the supply of illicit drugs is a key
10 to reducing the crime epidemic confronting every
11 region of the country.

12 (10) The magnitude and scope of the problem re-
13 quires a director of National and International Drug
14 Operations and Policy with the responsibility for the
15 coordination and direction of all Federal efforts by the
16 numerous agencies.

17 (11) Such a director must have broad authority
18 and responsibility for making management, policy, and
19 budgetary decisions with respect to all Federal agen-
20 cies involved in attacking this problem so that a unified
21 and efficient effort can be made to eliminate the illegal
22 drug problem.

23 (b) It is the purpose of this Act to insure—

24 (1) the development of a national policy with re-
25 spect to illegal drugs;

1 (2) the direction and coordination of all Federal
2 agencies involved in the effort to implement such a
3 policy; and

4 (3) that a single, competent, and responsible high-
5 level official of the United States Government, who is
6 appointed by the President, by and with the advice and
7 consent of the Senate, and who is accountable to the
8 Congress and the American people, will be charged
9 with the responsibility of coordinating the overall direc-
10 tion of United States policy, resources, and operations
11 with respect to the illegal drug problem.

12 SEC. 3. There is established in the executive branch of
13 the Government an office to be known as the "Office of the
14 Director of National and International Drug Operations and
15 Policy" (hereinafter in this Act referred to as the "Office of
16 the Director"). There shall be at the head of the Office of the
17 Director a Director of National and International Drug Oper-
18 ations and Policy (hereinafter in this Act referred to as the
19 "Director"). There shall be a Deputy Director of National
20 and International Drug Operations and Policy (hereinafter in
21 this section referred to as the "Deputy Director") to assist
22 the Director in carrying out the Director's functions under
23 this Act.

24 SEC. 4. (a) The Director and the Deputy Director shall
25 be appointed by the President, by and with the advice and

1 consent of the Senate. The Director and the Deputy Director
2 shall each serve at the pleasure of the President. No person
3 may serve as Director or Deputy Director for a period of
4 more than four years unless such person is reappointed to
5 that same office by the President, by and with the advice and
6 consent of the Senate. The Director shall be entitled to the
7 compensation provided for in section 5313, title 5, United
8 States Code. The Deputy Director shall be entitled to the
9 compensation provided for in section 5314, title 5, United
10 States Code.

11 (b) The Director shall serve as the principal director and
12 coordinator of United States operations and policy on illegal
13 drugs.

14 (c) The Director shall have the responsibility, and is au-
15 thorized to—

16 (1) develop, review, implement, and enforce
17 United States Government policy with respect to il-
18 legal drugs;

19 (2) direct and coordinate all United States Gov-
20 ernment efforts to halt the flow into, and sale and use
21 of illegal drugs within the United States;

22 (3) develop in concert with governmental entities
23 budgetary priorities and budgetary allocations of enti-
24 ties of the United States Government with respect to
25 illegal drugs; and

1 (4) coordinate the collection and dissemination of
2 information necessary to implement United States
3 policy with respect to illegal drugs.

4 (d) In carrying out his responsibilities under subsection
5 (c) the Director is authorized to—

6 (1) direct, with the concurrence of the head of the
7 agency employing such personnel, the temporary reas-
8 signment of government personnel within the United
9 States Government in order to implement United
10 States policy with respect to illegal drugs;

11 (2) procure temporary and intermittent services
12 under section 3109(b) of title 5 of the United States
13 Code, but at rates for individuals not to exceed the
14 daily equivalent of the maximum annual rate of basic
15 pay payable for the grade of GS-18 of the General
16 Schedule;

17 (3) accept and use donations of property from all
18 government agencies; and

19 (4) use the mails in the same manner as any other
20 department or agency of the executive branch.

21 (e) Notwithstanding any other provision of law, rule, or
22 regulation to the contrary, the Director shall have the au-
23 thority to direct each department or agency with responsibili-
24 ty for drug control to carry out the policies established by the

1 Director consistent with the general authority of each agency
2 or department.

3 (f) The Administrator of the General Services Adminis-
4 tration shall provide to the Director on a reimbursable basis
5 such administrative support services as the Director may
6 request.

7 SEC. 5. The Director shall submit to the Congress,
8 within nine months after enactment of this Act, and annually
9 thereafter, a full and complete report reflecting United States
10 policy with respect to illegal drugs, plans proposed for the
11 implementation of such policy, and, commencing with the
12 submission of the second report, a full and complete report
13 reflecting accomplishments with respect to the United States
14 policy and plans theretofore submitted to the Congress.

15 SEC. 6. For the purpose of carrying out this Act, there
16 are authorized to be appropriated \$500,000 for fiscal year
17 1984, and such sums as may be necessary for each of the
18 four succeeding fiscal years, to be available until
19 expended.

20 SEC. 7. This Act shall be effective January 1, 1984.

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